

back to the Senate with the recommendation that it do pass and be not printed.

HOLLAND, Chairman.

COMMITTEE ON STOCK AND STOCK RAISING.

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 554, a bill to be entitled "An Act to amend Chapter 3, Title CII, Revised Civil Statutes of 1895, by adding thereto an article to be known as Article 4953a, and exempting the county of Gonzales from the operation of said chapter,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BRACHFIELD, Chairman.

SIXTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Friday, April 14, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beatty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Hawkins.

Here Senator Decker moved a call of the Senate for the purpose of maintaining a quorum. The motion being duly seconded

Senator Smith made a point of order that there was no rule to justify the call, as all the members were present.

Senator Davidson also objected to the motion.

The Chair overruled the point of order, and

The roll was called, the following Senators answering to their names:

Barrett.	Brachfield.
Beatty.	Chambers.

64—Senate.

Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Hawkins.

Before the vote was announced Senator Davidson moved to appeal from the ruling of the Chair on the point of order, anent the call.

Question—Shall the Chair be sustained?

The Chair was sustained by the following vote:

Yeas—18.

Barrett.	Hill.
Beatty.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Terrell.
Hicks.	Willacy.

Nays—12.

Brachfield.	Hawkins.
Davidson.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Harbison.	Stokes.
Harper.	Stone.

Present—Not Voting.

Hanger.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Davidson the same was dispensed with.

Here Senator Hawkins was ordered to be marked present, the roll call on the motion on the appeal from the Chair shows him voting.

Senator Davidson called for a verification of the vote, which was granted.

Senator Davidson then made the point of order that the roll call showed all members present, which, according to the rules, would dissolve the call.

The Chair (President Pro Tem. Hanger) sustained the point of order.

(See Appendix for standing committee reports.)

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 197, a bill to be entitled "An Act to amend Article 5065, of Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, so as to define and exempt the property of charitable institutions from taxation," with amendments.

House bill No. 121, a bill to be entitled "An Act to regulate appeals in the courts of the State of Texas."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 187.

Senate bill No. 187 being special order, the Chair laid same before Senate, and

Senator Decker moved that the special order of business (Senate bill No. 187) be suspended, and the Senate take up, out of its order, House bill No. 96.

Senator Chambers made the point of order that House bill No. 96 was pending business, inasmuch as the call of the Senate was made on it on yesterday, and that the call having been dissolved by reason of adjournment which would put this call before the Senate as pending business.

Senator Harbison made the same point of order, only it was that Senate bill No. 58 was the pending order.

The Chair overruled the point of order by both gentlemen.

(Lieutenant Governor Neal in the chair.)

Pending Senator Brachfield discussing Senate bill No. 187,

Senator Decker et al. made the point of order that the Senator was discussing the bill and not the motion, and that it was for delay, but the Chair overruled same and the Senator was allowed to proceed.

Pending further discussion of the bill,

The point of order was raised by Senator Hanger that the Senator had forfeited his right to the floor inasmuch as he had made known his intention as speaking for delay.

The Chair sustained the point of order, and

The Chair laid before the Senate, on second reading,

Senate bill No. 187, a bill to be entitled "An Act to provide for working short term convicts on the public roads and other public works of the counties of the State."

Senator Decker moved the previous question on the engrossment of the bill, which being duly seconded it was so ordered.

The bill was read second time and ordered engrossed by the following vote:

Yeas—19.

Barrett.	Harbison.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Decker.	McKamy.
Faulk.	Paulus.
Griggs.	Stafford.
Grinnan.	Terrell.
Hale.	Willacy.
Hanger.	

Nays—9.

Davidson.	Skinner.
Faust.	Smith.
Harper.	Stokes.
Looney.	Stone.
Martin.	

Present—Not Voting.

Hawkins.	Meachum.
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Absent.

Glasscock.

Senator Barrett moved that the constitutional rule requiring bills to be read on three several be suspended, and that the bill be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—21.

Barrett.	Hicks.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Smith.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Hawkins.	

Nays—10.

Davidson.	Hill.
Faust.	Meachum.
Hale.	Paulus.
Hanger.	Skinner.
Harper.	Willacy.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas,
Austin, April 14, 1905.

To the Senate:

I ask the advice and consent of the Senate to the appointment as Notaries

Public of the persons whose names appear in the accompanying lists.

S. W. T. LANHAM,
Governor.

APPLICATION FOR APPOINTMENT OF NOTARIES PUBLIC.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Gonzales county, Texas.

YANCEY W. HOLMES,

Representative Fifty-sixth District.

Cheapside—L. A. Preston.

Gonzales—A. W. Hinricks, T. F. Harwood, Ed Titcomb, R. S. Dilworth, B. R. Abernethy, W. J. Bright, J. F. Hopkins, F. F. Wood, L. Chenault, H. L. Hopkins, Joseph Herzik, W. D. C. Jones, H. C. Van Struve, C. K. Walter, J. S. Conway, C. A. Burchard, W. U. Lawley, C. W. Ramsey, T. W. Lamkin, W. U. Ramsey, F. B. Baker, W. T. Miller, F. O. Smith, Sidney A. Smith, J. C. Rainbolt, Henry U. Smith.

Waelder—J. R. Hill, J. B. Hill, G. C. E. Vaughan, W. J. Simmons, T. H. Trippe, J. E. Shebert.

Ottine—A. G. Janzen, E. Zemmin, C. H. Bunde.

Leesville—J. T. Mayfield, Mrs. Lula Harrison.

Smiley—P. D. Ellis, E. K. Smith.

Rancho—J. C. Gillespie.

Sedan—J. M. Bockins, U. P. Davidson, J. E. Davidson.

Hamon—H. E. Smith.

Pilgrim—W. W. Sample.

Dilworth—H. K. Jones.

Wanthalia—Arn Seipemann.

Saturn—Le Roy Davis, W. W. Carter.

Dryer—W. H. Moreland, George Turk.

Belmont—L. P. David, G. A. Rather.

Slayden—W. J. Hall.

Bebe—Z. L. Potts.

Harwood—W. J. Hubbard.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for McLennan county, Texas.

T. P. STONE,

Senator Eleventh District.

Waco—Adrian T. Moore.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Ward county, Texas.

A. S. HAWKINS,

Senator Twenty-eighth District.

Monahans—H. A. Wren, Charley Capps, Hunter Halley.

To the Governor of Texas:

The following named persons are re-

spectfully recommended for appointment as Notaries Public in and for Travis county, Texas.

G. W. GLASSCOCK,

Senator Twentieth District.

Austin—Stark Washington.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Crane county, Texas.

A. S. HAWKINS,

Senator Twenty-eighth District.

Odessa—Earnest Phillips.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Loving county, Texas.

A. S. HAWKINS,

Senator Twenty-eighth District.

Pecos—Sid Kyle.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Winkler county, Texas.

A. S. HAWKINS,

Senator Twenty-eighth District.

Monahans—Hugh Campbell.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Glasscock county, Texas.

A. S. HAWKINS,

Senator Twenty-eighth District.

Garden City—Docia Speerman.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Collin county, Texas.

B. F. LOONEY,

Senator Fifth District.

Celina—L. B. Johnson.

To the Governor of Texas:

The following named persons are respectfully recommended for appointment as Notaries Public in and for Grayson county, Texas.

J. L. HARBISON,

Senator Fourth District.

Sadler—C. A. German.

HOUSE BILL NO. 96—PASSAGE OF.

The Chair laid before the Senate, on second reading,

House bill No. 96, a bill to be entitled "An Act to fix the salaries of the district judges in this State."

Senator Hanger moved the previous question on the bill, which was duly seconded, and

On that motion Senator Brachfield moved a call of the Senate, which was duly seconded, the roll was called, the following answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

The roll call developed a full Senate, which dissolved the call.

The question being on the previous question on the bill and the same was ordered by the following vote:

Yeas—18.

Barrett.	Hill.
Beaty.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	Willacy.

Nays—12.

Brachfield.	Harper.
Davidson.	Hawkins.
Faulk.	Looney.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.

Absent.

Martin.

The bill was read third time and passed.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—18.

Barrett.	Hill.
Beaty.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Terrell.
Hicks.	Willacy.

Nays—12.

Brachfield.	Harper.
Davidson.	Hawkins.
Faulk.	Looney.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.

Absent.

Martin.

HOUSE BILL NO. 533.

On motion of Senator Davidson, the pending order of business (House bill No. 621) was suspended, and the Senate took up, out of its order, House bill No. 533.

The Chair laid before the Senate, on second reading,

House bill No. 533, a bill to be entitled "An Act to provide a method for the assessment and collection of taxes on real properties omitted from the tax rolls for any year or years since the year 1884, and a method of re-assessing and collecting the tax on real properties on which former assessments are found to be invalid, or which have been declared invalid by any District Court for any reason in any suit to enforce the collection of taxes on said properties. To validate certain described assessments made under various methods, and to promote generally the collection of all delinquent taxes."

The committee report was adopted. Senator Grinnan offered the following amendment:

Amend by adding after Section 9 the following: "Any person owning or claiming any property upon which there exists or is due any delinquent taxes, shall pay the same prior to February 1, 1906, shall be relieved of paying the fines, penalties and interest now imposed thereon by the laws of the State."

Senator Glasscock offered the following amendment to the amendment:

Amend the amendment by striking out the word "interest."

Senator Davidson moved to table the amendment and the amendment to the amendment, which motion was adopted by the following vote:

Yeas—15.

Beaty.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	McKamy.
Faust.	Skinner.
Griggs.	Terrell.
Hale.	Willacy.
Hanger.	

Nays—13.

Barrett.	Martin.
Brachfield.	Meachum.
Faulk.	Paulus.
Glasscock.	Smith.
Grinnan.	Stafford.
Harbison.	Stone.
Hawkins.	

Absent.

Harper.	Stokes.
Holland.	

Senator Smith offered the following amendment:

Amend Section 1, line 5, in House bill by striking out the word "1884" and insert in lieu thereof the word "1894."

FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate, and

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sirs: We, your free conference committee on Senate bill No. 67, beg leave to report that we have had the same under consideration and herewith submit the following report:

We recommend the adoption of the amendment herewith submitted in lieu of the substitute adopted by the House:

(1)

Amend the bill by striking out the caption thereof, and substituting the following therefor:

A bill to be entitled "An Act to authorize the commissioners courts of the several counties to create and establish drainage districts, which may be included within one or more adjoining counties; to construct canals and waterways for the purpose of drainage; to order elections for the purpose of voting and authorizing the issuance of bonds, and to issue the same in payment for such improvements; the levying and collection of taxes for the discharge and cancellation thereof; the election of trustees for such districts; granting the powers of condemnation; and generally authorizing the commissioners courts and district trustees to do such things as shall be necessary to the establishing and maintaining of good and efficient drainage systems in such districts, or in aid thereof, as is authorized by the Constitution and the provisions of this act, and declaring an emergency."

(2)

Amend Section 1 of the bill by striking out the last two sentences and insert in lieu thereof the following:

"Such districts when so established may, under the direction of the commissioners court, or the district trustees construct and maintain canals, drains and waterways for the purpose of drainage, or in aid thereof; to hold elections for the purpose of voting bonds, and to issue bonds in payment therefor, which shall never be in amount greater than that of one-fourth of the assessed value of the real property of said district; and generally to do such things as shall be necessary to the completion and maintaining of a good and efficient drainage system in such district or districts, as authorized by the Constitution of the State of Texas and the provisions of this act. This act shall be cumulative of and additional to all other general laws upon the subject of drainage not in conflict herewith."

(3)

Amend Section 2 of the bill by striking out the words "five or more" in the first line, and insert in lieu thereof the words "fifty, or a majority of the;" also by striking out of the said section the following: "to be drained by the removal from streams, water or drainage courses; the widening, altering, deepening, straightening or changing of any creek, bayou, stream or other water course or courses, or the construction of," and inserting in lieu thereof the following words: "to construct and maintain."

(4)

Amend the bill by striking out Section 10 and inserting in lieu thereof the following:

Sec. 10. Whenever any such district drainage bonds shall have been issued the commissioners court shall levy and cause to be assessed and collected improvement taxes upon all property, whether real, personal, mixed or otherwise, subject to taxation, within the limits of such district, and sufficient in amount to pay the interest on such bonds as it shall fall due, together with an additional amount to be annually placed in a sinking fund, sufficient to discharge and redeem said bonds at their maturity.

(5)

Amend the bill by striking out Section 11 and insert in lieu thereof the following:

Sec. 11. Whenever any such improvements shall drain a public road, or in any way improve, better or benefit the same, the jury of viewers shall estimate the value of such proposed improvement to such public road, in a stated sum or amount, and such sum or sums when approved and allowed by the county commissioners court shall be paid by the county and such amount shall not be included in the estimated total cost of such work for

which bonds are to be issued by such district. Any estimated sum properly chargeable against a public road shall be paid out of the road fund or any other fund of such county available for road purposes.

Amend the bill by striking out Section 18 and insert in lieu thereof the following:

"Section 18. Whenever a drainage district shall have been created and the bonds thereof voted for proposed drainage improvements therein as hereinbefore provided, the district trustees shall, if the same has not then already been done, cause to be prepared by a competent civil engineer a complete tabulated statement, schedule and specifications of the kind, character and amount of construction, excavation and other work to be done, and all such other matters as shall be necessary for full and intelligent estimates and bids thereon by contractors or others desiring to bid for the work and construction thereof; and thereafter the district trustees shall advertise for bids upon the whole of said work or any part thereof, and shall let contracts therefor in the manner required by general laws, subject, however, to the approval of the county judge of said county. No money shall be paid out of the county treasury for such construction work nor for any other purpose in connection therewith except when warrant drawn by the district trustees and countersigned by the county judge of such county. All moneys and bonds of such district or districts shall be in the keeping of and handled by the county treasurer of such county or counties wherein such district or districts shall be located.

"Provided, however, that if the property holders or a majority thereof of any district shall express their desire that the county commissioners of such county shall perform the duties and services above provided to be performed by the trustees, then the County Commissioners Court of such county shall do and perform all the things in connection therewith necessary to be performed for the purpose or purposes of carrying into effect the object and intent of this act."

(7)

Amend the bill by striking out Section 19 and inserting in lieu thereof the following:

"Section 19. The right of eminent domain is hereby conferred upon the drainage district, acting through its trustees or Commissioners Court as the case may be, for the purposes herein indicated, and condemnations and all other proceedings in relation thereto shall be had and conducted as provided by the railroad laws of this State. Such district may through its trustees sue and be sued, and all

courts in this State shall take judicial notice of any and all drainage districts established under this act. Each district shall be named or numbered or both by the County Commissioners Court and shall be so designated upon the public record of such county or counties, and the name or number or both thereof shall be designated upon the bond of such district when issued."

(8)

Amend by striking out the words "land owning tax payers" wherever the same occurs in the bill and inserting in lieu thereof the words "property tax payers."

(9)

Amend the first complete sentence in Section 4 of the bill so as to read as follows: "All resident land owners of such proposed district shall be notified by the clerk of said court in writing or otherwise as may be directed by the County Commissioners Court, of the substance of the report of said jury of view, and shall be notified ten days in advance of the time and place when the same shall be acted upon by said Commissioners Court, except that when a town or municipal corporation, or a portion thereof, is included in such district, publication for five days prior to the ten days of notice herein required, in any newspaper published therein, shall be deemed sufficient notice thereof to all persons residing in said town, village or municipal corporation, of such action."

Respectfully submitted,

GRIGGS,
SKINNER,
HOLLAND,
CHAMBERS,
BARRETT,

On the part of the Senate,

WILSON,
HAGAN,
AYARS,
TIMON,

On the part of the House.

On motion of Senator Griggs the report was adopted.

SENATE BILL NO. 197—HOUSE AMENDMENTS CON- CURRED IN.

Senator Glasscock called up

Senate bill No. 197, a bill to be entitled "An Act to amend Articles 5065 of Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, so as to define and exempt the property of charitable institutions from taxation."

And moved that the Senate concur in the following House amendments, which motion was adopted.

(House amendments to Senate bill No. 197.)

Amend the bill by striking out "6065," in line 17, and insert "5065."

Amend Section 1, page 2, line 26, by adding after the word "State" "or United States."

Senator Faulk moved to reconsider the vote by which the Senate concurred in House amendments to Senate bill No. 185.

The motion was adopted.

The amendments were then concurred in by the following vote:

Yeas—28.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Hale.	Holland.
Harbison.	

Senator Faulk moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

EXECUTIVE SESSION.

Here the Chair announced that the time had arrived for the Senate to sit in executive session to consider the appointment of Notaries Public as sent to the Senate by the Governor previously.

Accordingly the Senate chamber was cleared of all visitors, etc., and the Senate proceeded to executive business.

IN EXECUTIVE SESSION.

The following confirmations were had.

(See Journal of last day for the list, as the corrections had to be made by the printers.)

IN THE SENATE.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate, and Hon. F. W. Seabury,

Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, who have had under consideration the differences between the House and Senate on House bill No. 12, beg leave to report that we have had same under consideration and recommend that the following Senate amendments be adopted:

Amend page 1, Article 5243e, line 3, from bottom of page, by striking out the words "two and one-half per cent" and insert the words "two per cent."

Amend the same article on the bottom line of page 2 by striking out the word "two per cent" and insert the words "one and one-half per cent."

Amend Article 5243e by striking out the words "as shown by said sworn statement" in line 12, page 12, and insert in lieu thereof the words "as shown by the sworn statement to be filed with the Commissioner of Insurance."

Amend the bill by adding after the word "receipts" in line 5, page 3, the following: "Provided, that the provisions of this act shall not apply to the order of Knights of Honor, Order of Railroad Conductors, and other kindred and like fraternal insurance orders."

We further recommend that the following Senate amendment be not adopted.

Amend by adding after the word "State" in line 4 of Article 5243e the words: "And the gross amount of premiums received outside of the State for insurance upon property located in the State."

We further recommend the following amendment. At the end of Section 1 add the following:

"Provided, that all insurance companies affected by this act shall pay the same franchise tax levied by existing law upon other corporations of like capital, stock, surplus and undivided profit," all of which is respectfully submitted.

WILLACY,
BARRETT,
HICKS,
M'KAMY,
DECKER,

On the part of the Senate.

LOVE of Dallas,
SHANNON,
WILLIAMS,
CABLE,

On the part of the House.

On motion of Senator Hicks, the report was adopted by the following vote:

Yeas—26.

Barrett.	Brachfield.
Beaty.	Chambers.

Davidson.	Looney.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.
Hanger.	Skinner.
Harper.	Smith.
Hawkins.	Stafford.
Hicks.	Stone.
Hill.	Terrell.
Holland.	Willacy.

Nays—1.

Faulk.

Absent.

Decker.	Harbison.
Hale.	Stokes.

Senator Hanger moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

REPORT OF JOINT COMMITTEE APPOINTED IN PURSUANCE OF HOUSE CONCURRENT RESOLU- TION NO. 13.

To Hon. F. W. Seabury, Speaker of the House of Representatives, and Hon. Geo. D. Neal, Lieutenant Governor and President of the Senate.

We, your committee appointed in pursuance of House concurrent resolution No. 13, which is as follows:

House concurrent resolution No. 13, approving the course of President Roosevelt in his efforts to compel the packers of meat to obey the laws of the United States, and providing for appointments of a joint committee to aid the President in his efforts to put an end to the violations of law in which the beef trust is engaged.

Whereas, Texas rendering for taxation seven millions of cattle, leading every other State in the production of this indispensable article of consumption, has suffered beyond endurance because of the merciless exactions of the beef trust, which, having first destroyed all competition, is now able to and does depreciate the value of live stock in the hands of the cattle raiser, while at the same time unjustly increasing the cost of all meat products to the consumer; and,

Whereas, The President of the United States has manifested a determination to force a dissolution of this great trust; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Texas most heartily approves the course of

President Roosevelt in his efforts to compel the packers of meats to obey the laws of the United States; and be it further

Resolved, That a committee of five be appointed, to consist of three members of the House, to be named by the Speaker, and two members of the Senate, to be designated by the presiding officer of that body, which committee shall proceed as rapidly as possible to organize and consult with His Excellency the Governor, and with the agents of the cattle raisers of Texas, and, after such consultation and after having considered the matter submitted to them, shall at once report to the House and to the Senate what means, if any, the State of Texas can, and in their judgment should, use to aid the President in putting an end to the constant and oppressive violations of law in which the beef trust has been and is persistently engaged.

Beg leave to report:

We had several sessions of the committee and have had before us a number of persons, while there was not developed such evidence of specific violation of the anti-trust law upon which we could recommend the instigation of civil or criminal proceedings against any particular person or corporation, yet from these hearings and from advices received and obtained by the committee and the several members thereof, we are able to state and to report that in our judgment there exists in this state a combination of persons and corporations engaged in the business of packing and selling beef and other like products, which is in contravention of the anti-trust law and constitutes a trust, monopoly and a company in restraint of trade.

The policy of this state as to such transgressions of the law has been expressly declared by an act of the Twenty-eighth Legislature entitled:

"An act to define, prohibit and declare illegal, trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the state of Texas, and to repeal all laws in conflict therewith."

As this act was demanded by our people and by the democratic party in convention assembled, it is not necessary to discuss its wisdom or the need for its due execution.

It is sufficient to say that the combination that we speak of, namely, the beef trust, goes to the very foundation of our government.

It has been said that "there are no good trusts," yet, if they can be classi-

fied, trusts which control the necessities of life are the worst.

It is not the wish of this committee or of the Legislature or of any department of government that a course of action shall be recommended or adopted encouraging or authorizing a procedure for the enforcement of the anti-trust law without sufficient evidence in each case to justify a judgment or conviction, yet we think the time has arrived when this law should be in good faith enforced or the law repealed.

It is beneath the dignity of this great state to solemnly enact a law of this nature under the conditions then and now existing, and then permit such law to remain a mere form and without meaning or effect.

While the existence or non-existence of what is termed the "beef trust" is the only matter which has been referred to this committee and report, we are advised that complaints are being made from different parts of the State of this and other violations of the anti-trust law to such an extent and with such effect as has led to the introduction into the Legislature of a bill providing the Attorney General with means for the enforcement of the law against the trusts alike.

We therefore recommend that the bill referred to carrying an appropriation of \$15,000 be enacted into law, this committee be continued and made permanent with authority to act during vacation in and under the direction of the Attorney General in the investigation of the beef trust with power to send for persons and papers, administer oaths and compel the attendance of witnesses and to make reports to the Attorney General of such matters as this committee may determine necessary, that said committee will perform its duty without cost to the state.

Respectfully submitted,

BRYAN,
WILLIAMS,
M'FADDIN,
House Committee.
HICKS,
M'KAMY,
Senate Committee.

On motion of Senator Hicks the report was adopted.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate, and
Hon. F. W. Seabury, Speaker of the House of Representatives.
Sirs: We, your free conference

committee, to whom was referred House bill No. 441, a bill to be entitled "An Act to provide for the sale and lease of the public free school and asylum lands, and to prevent the free use, occupancy and inclosure of the same, and to repeal Chapters 47 and 48, Act of 1895, and Chapter 129, Acts of 1897, and Sections 5, 6, 7 and 8, Chapter 11, Act of February 23, 1900, and Chapter 88," approved April 15, 1901, and Chapter 125, Act of April 19, 1901, and all other laws in conflict herewith, beg to report that we have had the same under consideration, and have reconciled the differences between the House and the Senate and report the same back with the recommendation that the following free conference committee report be adopted in lieu of the House bill and the Senate substitute bill.

HILL,
LOONEY,
DAVIDSON,
FAULK,
WILLACY.

On the part of the Senate.

W. O. MURRAY,
HUDSPETH,
GUINN,
BARTHOLOMEW,
MARSH.

On the part of the House.

A bill to be entitled "An Act to provide for the sale and lease of the public free school and asylum lands, and to charge certain fees incident thereto, and to temporarily suspend the sale and lease of said lands, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The Commissioner of the General Land Office may from time to time, as the public interest may require, classify or reclassify, value or revalue any of the lands set apart for the benefit of the public free school, Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum and the Orphan Asylum, and it shall be his duty to notify in writing the county clerk of each county the classification and valuation hereafter fixed upon each section of land in his county, and each county attached to it for judicial purposes, and he shall forward the same to the county clerk of the county for which said list was made, or to the county clerk of the county to which the said county is attached for judicial purposes. The said Commissioner shall also notify said clerk of each and every sale as soon as they are made. Upon receipt of said list or any notice required to be given under the provisions of this act, the county clerk receiving the same shall forthwith file and re-

cord said list or notice in a well bound book to be kept for that purpose. When informed of the sale of any land the clerk shall enter on his books opposite the description of the land so sold the name of the purchaser and the date sold, and the said list and notice of sale so furnished the said clerk and the said books shall be considered public records, and be open to public inspection, and it is hereby made the duty of the county clerk to exhibit the said book and the records to any person who shall apply therefor.

Sec. 2. In cases where lands are now leased, or may be hereafter leased, and the same shall come on the market by reason of the expiration of such lease, it shall be the duty of the Commissioner to notify the county clerk ninety days, when practicable, before the expiration of such lease, of the date of such expiration. When a lease is for any cause canceled, he shall notify the county clerk of that fact and fix a date not less than ninety days thereafter on and after which applications to purchase may be filed. All notices of expiration and cancellation of leases shall be forthwith recorded as required for notices of classification and valuation. The Commissioner shall adopt such means as may be at his command that will give the widest publicity as to when land will be on the market for sale by reason of expiration of any lease. Such publicity shall, when practicable, be given ninety days in advance of such expiration. When a lease is canceled for any cause, the land shall not be for sale until ninety days thereafter. Immediately after the cancellation of a lease or leases the Commissioner shall proceed to give publicity to the fact, the same as is herein required with reference to publicity of expiring leases. If there are no other satisfactory or sufficient means at the command of the Commissioner that will give the necessary publicity, he shall have printed at the expense of the State, to be paid out of the appropriation for public printing, a list or lists of the lands and send them out in the mail and to every person requesting them. Such lists shall also contain a brief statement as to how one shall proceed to purchase the land.

Sec. 3. Any person desiring to purchase any of the surveyed land mentioned in this act shall make a separate application in writing for each tract applied for and be addressed to the Commissioner of the General Land Office. It shall sufficiently designate the tract sought to be purchased, and give the price offered therefor, which shall not be less than the appraised

value fixed by the Commissioner. Each application shall contain the affidavit of the applicant to the effect that he desires to purchase the land for a home or as additional to the home applied for, or as additional to his own land which has been theretofore purchased from the State, or as additional to his own private land, as the case may be, and that he is or will, as the case may be, in good faith become in person an actual bona fide settler on some portion of the land he purchases, or upon his other land, as the case may be, within ninety days from the date his application is accepted, also that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is directly or indirectly interested in the purchase thereof; also every application shall be accompanied by the obligation of the applicant in a sum equal to the amount of the deferred payment offered for the land. Said application, affidavit and obligation shall be filed in the Land Office through due course of mail, and not by any one person, in an envelope, addressed to the Commissioner of the General Land Office at Austin, Texas, and when the land is to come on the market at some future date the envelope shall have indorsed thereon as follows: "Application to buy land, Sections —, Block —, Grantee —, County —, Date on market —," and the blanks shall be properly filled out. When the envelope so indorsed is received in the Land Office, it shall be safely and securely kept and preserved by the Commissioner or his chief clerk without being opened until the day following the date indorsed thereon as to when the land comes on the market, and one or both of them shall begin, at 10 o'clock a. m. on the day following the day the land comes on the market, to open the envelopes for inspection of the applications and such action as is herein provided for, and in the presence of the applicants, if they desire to be present, or in the presence of such persons as they may designate to represent them, and said applications shall immediately be filed, together with all other applications received up to that time for the same land.

Sec. 4. When the applications and obligations aforesaid have been filed in the General Land Office, and upon inspection they are found correct and the land is found to be classified and valued and on the market for sale the day the application was filed, or on any prior date and still unsold, and the first payment is in the State Treasury, it shall be the duty of the Com-

missioner to award the land to the one offering the highest price therefor. If two or more applicants offer the same price for the same land, the same being the highest price offered, they shall be advised of that fact and a date fixed not less than thirty days thereafter within which time they may again file applications, and notices shall be sent to the clerk and other publicity shall be given that said lands are still on the market to any one, and the time in which applications to purchase the same may be filed as in the first instance. The applicant offering the highest price shall receive the award. If the second or subsequent applications should be found to offer the same price, the procedure shall be as in the first instance. An application at a less price than the former application contained shall not be considered. An application to purchase land coming on the market at some future date shall not be considered for award prior to the day next following the day the land comes on the market for sale. Land that is or may be on the market and not filed on as hereinafter provided, and in accordance with law, except the envelope enclosing the application shall not be required to have any memorandum thereon, and if two or more applications should be filed the same day for the same land, the one offering the highest price shall be accepted, but if two or more such applicants should offer the same price the commissioner shall proceed as herein provided for in the first filing. All sales shall date from the day the successful applicant's application was filed in the Land Office. The applicant shall have ninety days from the date of the acceptance of his application within which to actually settle upon the land so purchased, and he shall within thirty days after the expiration of said ninety days given within which to make settlement, file in the Land Office his affidavit that he has in good faith actually in person settled upon the land purchased by him. Should the applicant fail to make and file the affidavit and proof of settlement as herein provided within the time specified, the Commissioner of the General Land Office shall endorse that fact upon his application, cancelling the same, and immediately place the same upon the market by notice to the clerk, fixing a date not less than thirty days thereafter when applications may be filed for the purchase thereof, and any sum which may have been paid upon a former application, cancelled as aforesaid, shall be forfeited to the fund to which the same belonged. All sums paid in by an unsuccessful applicant shall be returned

to him by the State Treasurer. Provided, if for any cause a designated home tract can not be awarded to an applicant and there be no other obstacle to the award of one or more tracts as additional thereto, such applicant shall be permitted, without prejudice, to designate one of the additional tracts as a home tract which shall, with such other tracts as he has applied for and are within five miles thereof, be awarded to the applicant. The Commissioner shall advise the applicant why he can not award to him the home tract and request a new designation by his affidavit, and in default of such affidavit being filed in the Land Office within thirty days after such notice, the Commissioner may reject all the applications of such applicant, but should no rights intervene such affidavit may be considered at any time prior to a rejection. The affidavit shall be sufficient authority for the change of the home tract, and shall relate back to the date of the filing of the application in the Land Office. A purchaser may live on any tract designated as a home or move from any designated home tract to any of his additional land at any time during the required three years residence on the land. The applicant shall accompany the application aforesaid with his obligation to the State, duly executed, binding the purchaser to pay to the State at the State Treasury at Austin, Texas, on the first day of November of each year thereafter until the whole purchase price is paid, one-fortieth of the aggregate price with interest at the rate of three per cent per annum on the whole unpaid purchase money, which interest shall also be payable on the first day of November of each year, and in default of the interest the land shall be forfeited as now provided by law. At the same time the applicant applies to purchase the land he shall also deposit in the State Treasury one-fortieth of the aggregate price of the same as the first payment thereon. A purchaser shall not transfer his land prior to his actual settlement thereon, and evidence of that fact filed as herein provided, and any attempt to so transfer by deed, bond for title, or other agreement shall operate as a forfeiture of the land to the fund to which the same belonged together with all payments made thereon, and when sufficiently informed of the facts which operate as a forfeiture the Commissioner shall note the fact of forfeiture upon the application and proceed to place the land on the market by notice to the proper county clerk and advertisement in the manner provided for cancelled leases.

Sec. 5. A original lessee or the assignee of an entire lease out of which

no sale of one complement of land has been made under this act may purchase out of his lease at any time the quantity of land allowed to one purchaser under the provisions of this act; also any bona fide assignee of a part of a lease evidenced by an assignment in writing executed prior to March 17, 1902, and who is in possession of the land under said assignment when this act takes effect, may also buy one complement of land as provided in this act at any time, if he is qualified to buy; also one who was the assignee of a part of a lease by an instrument in writing executed prior to January 1, 1905, and who was in person an actual bona fide settler thereon at said date but who did not own all of such lease on that date, may buy at any time one section of the land on which he was the owner of the lease. The foregoing provisions shall apply only to leases heretofore made. One desiring to buy land as aforesaid shall first give written notice to the Commissioner specifying the land he wishes to buy, whereupon the Commissioner shall make or cause to be made an inspection of the land and appraise same at its reasonable market value and advise the one desiring to buy and also the proper county clerk of the value placed thereon. After such valuation and notice given and filed in the proper county clerk's office the land shall be subject to sale to the persons aforesaid only, and under the terms of this act; provided the applicant has not heretofore or prior to the filing of his application or applications purchased one complement of land as provided by this or former law. Such of the tracts as may be applied for during the term of the lease and on which there are five hundred dollars worth of permanent and immovable improvements need not be situate within the five mile radius of the home tract as required of other purchasers. Only one complement of land allowed to one purchaser shall be sold out of a lease under the provisions of this section. When a lease expires or is cancelled for any cause no one shall have any preference to buy any land therein. This shall apply to leases heretofore made as well as those hereafter made. One who buys out of a lease as above provided and does not comply with the law as to settlement and residence, the Commissioner shall, when sufficiently informed of that fact, cancel such sale and place the land upon the market for sale as provided in this act for cancelled leases.

Sec. 6. In the counties of Bandera, Brewster, Crockett, El Paso, Jeff Davis, Loving, Pecos, Presidio, Sutton and Val Verde, one who has not purchased one complement of land under this act or former law prior to the filing of his

application or applications may buy not to exceed eight sections of six hundred and forty acres each, more or less, or such part thereof as will complete his complement under this act including the former purchase since April 19, 1901; provided each additional section applied for shall be situated within five miles of the designated home tract, except as herein provided. In every purchase, except where otherwise provided, an original purchaser of a home tract under this act shall reside upon it or some portion of the land purchased as additional thereto, either at the same time or subsequently, for three consecutive years next succeeding the date of his purchase of the home tract. When such purchaser has so lived upon his home tract, or when he and his vendee together have so lived upon his home tract, and proof as required by law filed in the land office, any additional land purchased to such home tract may be patented at any time. But a vendee of such proved up home tract who thereafter buys additional land thereto shall reside upon either the home tract or some part of the additional land for three consecutive years next succeeding the date of the purchase of his first additional tract or tracts and file proof of such residence in the land office as required by law. A vendee prior to the completion of the three years residence required of his vendor shall reside upon some portion of the land he purchases until the completion of the residence required of his vendor.

Sec. 7. When a lease expires or is cancelled for any cause the Commissioner shall not consider an application to lease the land prior to ninety days from such expiration or cancellation, and no lease on any land shall be made if it is in demand by purchasers. An original lessee or the assignee of an entire leasehold who was such owner at the date of the termination thereof, shall have a preference to another lease of the land at the expiration of the ninety days over another applicant to lease, provided he is willing to pay and will pay as much therefor as another, after due publicity; provided no lease shall be made at less than three cents per acre.

Sec. 8. Any person desiring to purchase any portion of the unsurveyed school lands shall first make a written application to the surveyor of the proper county or district in which the land, or a portion thereof, is situated, signed and sworn to by the applicant, giving his postoffice address and designating the land he desires, by metes and bounds, as nearly as practicable, and stating that he desires to have the land surveyed with the intention of buying it, and that he is not acting in collusion with, or attempting to ac-

quire said land for another person or corporation. It shall be the duty of the surveyor to file and record such application, and to survey the land and file the application and field notes in the Land Office within ninety days from the date of the filing of the application, together with a properly prepared and certified sketch of the survey, with the variations at which all lines were run. The land shall be surveyed under the instructions of the Commissioner of the General Land Office, and where practicable, into sections of six hundred and forty acres each, and of a regular form. The applicant shall pay to the surveyor one dollar as a filing fee, and his further lawful fees for surveying the land. When the surveyor returns the application and field notes to the Land Office he shall report under oath the classification and market value of the land, and also the timber thereon and its value, which may be considered in connection with such other evidence as may be required in determining the class and price to be given the land or timber. If, upon inspection of the papers, the Commissioner is satisfied from the report of the surveyor and the records of the Land Office, that the land is vacant and belongs to the school fund, and the survey has been made according to law, he shall approve same and notify the applicant that the land is subject to sale to him, stating the classification, price and terms, which shall be the same as that for surveyed lands, except as herein provided; provided, all unsurveyed vacant tracts not disclosed by the official maps in use in the Land Office at the time an application for the survey is filed, may be sold for cash, or for one-fortieth cash with five per cent interest on the deferred principal, and without condition of settlement and improvement, and with the right to pay the same out at any time and obtain patent; all unsurveyed vacant tracts which are subject to overflow, or situated in bottoms or swamps, or otherwise, so as to be unsuitable for settlement, may be sold for cash, or for one-fortieth cash with five per cent interest on the deferred principal, and without condition of settlement and improvement, and with the right to pay the same out at any time and obtain patent; all unsurveyed vacant tracts not exceeding six hundred and forty acres, and not less than eighty acres, which are disclosed by the official maps in use in the Land Office at the time an application for a survey is filed, and which are now or may be entirely surrounded by valid surveys or sold school surveys, shall be sold as a whole, and may be sold for cash, or for one-fortieth cash with five per cent interest on deferred principal, and

without the condition of settlement and improvement, and with the right to pay same out at any time and obtain patent; all unsurveyed vacant tracts of eighty acres or less shall be sold for cash only; all other unsurveyed vacant tracts disclosed by the official maps in use in the Land Office when an application for survey is filed shall be sold on condition of settlement and improvement as provided by law for the sale of surveyed land; provided, that land heretofore or hereafter recovered by the state from claimants holding or claiming same under Spanish or Mexican titles shall be considered as vacancies disclosed by the official map, and the person who in good faith so held or claimed such land under the claim aforesaid shall have a prior right for ninety days after the taking effect of this act, or after the date of the final recovery of such land hereafter, to file on and purchase four sections of six hundred and forty acres each for cash, or for one-fortieth cash with five per cent interest on the deferred principal, and without the condition of settlement, and with the right to pay same out at any time and obtain patent. When the land is applied for and purchased under this section, without condition of settlement and improvement, the application to purchase shall otherwise conform to the requirements of applications for surveyed land except as to settlement and designation of home tract. If any tract surveyed under this section as a vacancy should be wholly or partly within an inclosure or have improvements thereon, the surveyor shall, in addition to other requirements, give the name and postoffice address of the owner of the inclosure or enclosures or of the improvements thereon. Should the survey not be disclosed by the official maps in use in the Land Office on February 23, 1900, but should be recognized by the Commissioner as a vacancy, the owner of the inclosure or improvements shall be notified and given ninety days from the date of such notice to purchase that portion of the vacancy actually within his inclosure, and the owner of the improvements shall have the same preference to purchase not to exceed one hundred and sixty acres on which his improvements are situated, and every such purchase shall be made upon the same terms as provided in this section for the sale of other land of similar character; provided, that if any other person than the owner of such inclosure or improvements shall have surveyed the vacancy at his own expense, then before the party shall exercise the preference right herein given, he shall reimburse the party having the land surveyed the reasonable

fees and expenses incurred by him in surveying the said vacancy. In all cases of the sale of any land or deferred payments and without the condition of settlement and improvement, as provided for in this section, the merchantable timber thereon, if any, shall first be paid for in cash. All land appropriated to the public school fund by the act of February 23, 1900, and which has heretofore been surveyed at private expense, may be sold under the provisions of this section relating to undisclosed vacancies and swamp lands. If within sixty days from the date of the notice of approval of any survey as herein provided, the applicant shall not have filed in the Land Office his purchase application at the appraised value fixed on the land, and in compliance with this section such land shall be placed on the market for sale, upon the same terms and conditions as other surveyed school land.

When any land, lying between older surveys, is held by the Commissioner of the General Land Office to be unsurveyed or vacant land appropriated to the public school fund by the act of February 23, 1900, and is sold as such under the provisions of this act, and thereafter any suit arises between the owner or owners of such older surveys, and the purchaser from the State or his vendees, any final judgment rendered in such suit shall be deemed and held conclusive as to the existence or non-existence of such vacancy; provided, if in any suit judgment is obtained through collusion or fraud against the State, the same may be set aside and vacated at the suit of the State any time within five years thereafter.

Sec. 9. Land which has heretofore or may hereafter be sold by the State and which has been or may be subsequently transferred in tracts other than legal multiples may, in the discretion of the Commissioner, be so patented.

Sec. 10. For all certificates of occupancy hereafter issued the Commissioner shall charge and collect a fee of one dollar, and for all transfers hereafter filed in the Land Office the Commissioner shall charge and collect a fee of twenty-five cents each, which fees he shall at the end of each month pay into the State Treasury and the same shall be credited to the general revenue.

Sec. 11. In order that the Commissioner of the General Land Office may make the necessary preparation for the execution of the provisions of this act, he is hereby prohibited from making any further sales or leases of any land prior to September 1, 1905, and all rights accruing under this act prior to said date may be exercised thereafter the same as if no suspension of sales and leases had occurred.

Sec. 12. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 13. The necessity of a change in the present method of filing on land and the near approach of the close of the present legislative session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this act be placed upon its third reading and final passage, and that this act take effect from and after its passage, and it is so enacted.

On motion of Senator Hill the report was adopted by the following vote:

Yeas—23.

Barrett.	Hill.
Beaty.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Stafford.
Griggs.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hicks.	

Nays—6.

Brachfield.	Martin.
Grinnan.	Smith.
Hawkins.	Stokes.

Absent.

Hale.	Harbison.
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RECESS.

On motion of Senator Meachum, the Senate took a recess till 3 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 284, a bill to be entitled "An Act to restore and confer upon the county court of Newton

county the civil and criminal jurisdiction belonging to such courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act so far as relates to Newton county."

Senate bill No. 320, a bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the City of Floydada, in the county of Floyd, and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Floydada Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages."

Senate bill No. 307, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the City of Amarillo, in the county of Potter and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes, to be known as the 'Amarillo Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Senate bill No. 321, a bill to be entitled "An Act to amend an act to incorporate the City of Fort Worth and to grant a new charter to said city, approved April 10, 1901, by amending Sections 57 and 63 of said act, and by adding to said act Sections 63a, 63b, 63c, 63d, 63e, 63f, 63g, 63h, 63i, 63j, 63k, 63l, 63m, 63n, 63o, 63p, 63q, 63r, 63s, 63t, 63u, 63v, 63w, 55a, 55b, 55c, 55d, 55e, and 80a, and by repealing all laws and parts of laws in conflict with the added sections, and the amended sections as amended, and to declare an emergency," with amendments.

Senate bill No. 210, a bill to be entitled "An Act to amend Subdivision 1, of Article 3133, Chapter 1, Title LXII, of the Revised Statutes of the State of Texas, relating to qualifications of jurors and declaring an emergency," with amendments.

Adopted the report of Free Conference Committee to House bill No. 12 by the following vote: Yeas, 104; nays, 1.

Also concurs in Senate amendments to House bill No. 563 by following vote: Yeas, 90; nays, 4.

Respectfully,
BOB BARKER,
Chief Clerk.

HOUSE BILL NO. 533.

Action recurred on House bill No. 533, pending business, the question being on the amendment by Senator Smith, and

Senator Faulk offered the following amendment to the amendment:

Amend page 2, Section 1, by striking out the following: After the word "same" all down to and including the word "unpaid," and insert the following: "An innocent purchaser in the meaning of this section shall be construed to mean one who has held land in person or through others for a term of ten years next before the passage of this law and have paid the taxes due during said ten years."

On motion of Senator Davidson, the amendment was tabled by the following vote:

Yeas—15.

Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Skinner.
Hanger.	Stokes.
Harper.	Willacy.
Hicks.	

Nays—11.

Barrett.	Harbison.
Beaty.	Hawkins.
Chambers.	Martin.
Faulk.	Paulus.
Glasscock.	Smith.
Grinnan.	

Present—Not Voting.

Stone.

Absent.

Hale.	Stafford.
Hill.	Terrell.

Senator Smith offered the following amendment:

Amend the bill by striking out Section 9 thereof.

Senator Holland moved the previous question on the amendment and the bill, which motion being duly seconded it was so ordered.

The amendment was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Davidson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Hanger.	Stokes.
Harbison.	Terrell.
Harper.	Willacy.

Nays—2.

Grinnan.	Martin.
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Absent.

Hale.	Stone.
Hill.	

The bill was read third time and Senator Davidson moved the previous question on the final passage of the bill, which being duly seconded was so ordered by the following vote:

Yeas—21.

Barrett.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Griggs.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—8.

Beaty.	Grinnan.
Brachfield.	Martin.
Faulk.	Paulus.
Glasscock.	Smith.

Absent.

Hale.	Hill.
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The bill was then passed finally by the following vote:

Yeas—27.

Barrett.	Hanger.
Beaty.	Harbison.
Brachfield.	Harper.
Chambers.	Hawkins.
Davidson.	Hicks.
Decker.	Holland.
Faulk.	Looney.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.

Skinner.	Stone.
Smith.	Terrell.
Stafford.	Willacy.
Stokes.	

Nays—2.

Grinnan.	Martin.
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Absent.

Hale.	Hill.
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Senator Davidson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee to House bill No. 441 by the following vote: Yeas, 95; nays, 7. Also adopted the report of the Free Conference Committee to Senate bill No. 67. Also passed

Senate bill No. 66, a bill to be entitled "An Act to amend Section 53 of Article 642, Chapter 2, Title XXI, of the Revised Statutes of Texas, and declaring an emergency," amending the law providing for organization of terminal railways and granting them certain rights so that they will be enabled to build and operate union depots in cities where same may be necessary.

Respectfully,

BOB BARKER.

Chief Clerk House of Representatives.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate, and Hon. F. W. Seabury, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to consider the differences between the House and Senate upon

Senate bill No. 150, a bill to be entitled "An Act to amend Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to provide for and regulate the granting of license to practice as attorneys and counselors at law in all courts in the State of Texas, and to repeal all laws and parts of laws in conflict thereto,' approved March 19, 1903,"

Beg leave to report as follows:

We recommend that the bill do pass, with the following amendment:

Amend by striking out the following language wherever it occurs in the bill: "Or from such other law schools in the State as the Supreme Court may from time to time designate."

HICKS,
BARRETT,
HANGER,
CHAMBERS,
MEACHUM,

On the Part of the Senate.

HAYS,
BARTHOLOMEW,
HANCOCK,
MASTERSON,
BARCUS,

On the Part of the House.

On motion of Senator Hicks, the report was adopted by the following vote:

Yeas—25.

Barrett.	Holland.
Beaty.	Looney.
Brachfield.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Willacy.
Hicks.	

Nays—2.

Chambers. Terrell.

Absent.

Decker. Hale.
Grinnan. Hill.

SENATE BILL NO. 210—HOUSE AMENDMENTS CON- CURRED IN.

Senator Griggs called up

Senate bill No. 210, being "An Act to amend Subdivision I of Article 3139, Chapter 1, Title LXII, of the Revised Statutes of the State of Texas, relating to qualifications of jurors, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Subdivision 1 of Section 1 of the bill so as to read as follows:

1. He must be a citizen of the State and of the county in which he is to serve and qualified under the Constitution and laws to vote in said county; provided, that his failure to pay poll tax as required by law shall not be held to disqualify him for jury service in any instance.

65—8.

The motion was adopted.

Senator Griggs moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Decker in the chair.

HOUSE BILL NO. 332.

On motion of Senator Faust, the pending order of business was suspended, and the Senate took up, out of its order, House bill No. 332.

The Chair laid before the Senate, on second reading,

House bill No. 332, a bill to be entitled "An Act to amend Subdivision 22, Article 5076, Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, relating to the list of property subject to taxation required to be given by property owners, so as to hereafter include automobiles."

The bill was read second time and passed to a third reading.

HOUSE BILL NO. 116.

On motion of Senator Hicks, the pending order of business was suspended, and the Senate took up, out of its order, House bill No. 116.

The Chair laid before the Senate, on second reading,

House bill No. 116, a bill to be entitled "An Act to amend Sections 1, 2 and 3, and adding thereto Section 4, of Chapter 50 of the General Laws of Texas passed at the regular session of the Twenty-eighth Legislature entitled 'An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing; to prohibit leasing of premises for pool rooms and to provide a penalty for its violation.'"

Senator Hanger moved the previous question on the bill, which being duly seconded, and

On that motion Senator Brachfield moved a call of the Senate, which being duly seconded, the roll was called, the following Senators answering to their names:

Barrett.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty. Hill.
Hale.

Senator Hanger moved to excuse the absentees, which motion was lost by the following vote:

Yeas—13.

Barrett. Holland.
Decker. McKamy.
Faust. Paulus.
Glasscock. Stafford.
Griggs. Stone.
Hanger. Willacy.
Hicks.

Nays—13.

Brachfield. Hawkins.
Chambers. Looney.
Davidson. Martin.
Faulk. Meachum.
Grinnan. Smith.
Harbison. Stokes.
Harper.

Present—Not Voting.

Terrell.

Absent.

Beaty. Hill.
Hale. Skinner.

The Sergeant-at-Arms was instructed to bring in the absentees.

SIMPLE RESOLUTION.

By Senator Stafford:

Whereas, the Hon. Dawson Walker, former Secretary of the Senate, is visiting the city;

Resolved, That he be invited to the Secretary's desk to make one of his inimical faces, and that he further have the privilege of the floor.

GRINNAN,
STAFFORD,
STONE.

The resolution was adopted.

HOUSE BILL NO. 287.

Senator Hicks moved that the pending order of business be suspended, and that the Senate take up, out of its order, House bill No. 2.

Senator Harper moved, as a substitute, that the pending order of business be suspended, and that the Senate take up, out of its order, House bill No. 287.

The substitute motion was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 287, a bill to be entitled "An Act to amend Article 258 of the Code of Criminal Procedure, relating to warrants of arrest issued by

magistrates, and to repeal all laws in conflict herewith."

Senator Harper offered the following amendment, which was adopted:

Amend the bill by striking out, on page 2, lines 19, 24 and 26, the figures "256," and inserting in lieu thereof, in each of said lines, "258."

Bill read second time and passed to a third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days, was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Barrett. Hicks.
Beaty. Holland.
Brachfield. Looney.
Chambers. Martin.
Davidson. McKamy.
Decker. Meachum.
Faulk. Paulus.
Faust. Skinner.
Glasscock. Smith.
Griggs. Stafford.
Grinnan. Stokes.
Hanger. Stone.
Harbison. Terrell.
Harper. Willacy.
Hawkins.

Absent.

Hill. Hale.

The bill was read third time and passed.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 49.

On motion of Senator Holland, the pending order of business was suspended, and the Senate took up, out of its order, House bill No. 49.

The Chair laid before the Senate, on second reading,

House bill No. 49, a bill to be entitled "An Act to provide for the appointment of a competent stenographer to report cases, and to make the report of such stenographer, when filed and approved, the statement of facts of the oral evidence in the case; and to provide for the compensation of such stenographer."

Bill read second time and passed to a third reading.

Senator Holland moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—18.

Barrett.	Hill.
Beaty.	Holland.
Chambers.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Griggs.	Stafford.
Hanger.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Nays—11.

Brachfield.	Looney.
Davidson.	Martin.
Faulk.	Paulus.
Glasscock.	Smith.
Grinnan.	Stokes.
Harbison.	

Absent.

Hale.	Harper.
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HOUSE BILL NO. 116.

At this time the absentees who were absent when the Senate went under call, were present, and action recurred on the previous question, which had been moved and seconded. The previous question was ordered by the following vote:

Yeas—18.

Barrett.	Hill.
Beaty.	Holland.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Hale.	Skinner.
Hanger.	Stafford.
Harbison.	Stone.
Hicks.	Willacy.

Nays—12.

Brachfield.	Hawkins.
Chambers.	Looney.
Faulk.	Martin.
Glasscock.	Smith.
Grinnan.	Stokes.
Harper.	Terrell.

Present—Not Voting.

Davidson.

The bill was read third time and passed by the following vote:

Yeas—19.

Beaty.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

Nays—11.

Barrett.	Harper.
Brachfield.	Hawkins.
Chambers.	Looney.
Faulk.	Smith.
Glasscock.	Stokes.
Harbison.	

Present—Not Voting.

Davidson.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion was adopted by the following vote:

Yeas—20.

Beaty.	Holland.
Decker.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Nays—10.

Barrett.	Harper.
Brachfield.	Hawkins.
Chambers.	Looney.
Faulk.	Smith.
Harbison.	Stokes.

Present—Not Voting.

Davidson.

Lieutenant Governor Neal in the chair.

PERSONAL PRIVILEGE.

We rise to a question of personal privilege in reference to the bill raising the salaries of district judges which creates an additional expense of about seventy thousand dollars in two years. On its final passage a number of the Senators called for an aye and no vote, but in the rush and confusion the aye and no vote was not put. We would have registered our vote against its final passage, and we now ask that this privilege matter be spread on the Journal of the Senate.

GLASSCOCK,
GRINNAN,
HARBISON,
STOKES,
MARTIN,
HAWKINS,
SMITH,
FAULK,
BRACHFIELD,
HARPER,
LOONEY,
STONE,
DAVIDSON.

HOUSE BILL NO. 387.

Senator Stone moved the pending order of business, Senate bill No. 58, be suspended, and the Senate take up, out of its order, House bill No. 387.

The motion was adopted by the following vote:

Yeas—24.

Barrett.	Harbison.
Beaty.	Hawkins.
Chambers.	Holland.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.

Nays—5.

Brachfield.	Looney.
Harper.	Smith.
Hicks.	

Present—Not Voting.

Skinner.

Absent.

Hill.

The Chair laid before the Senate, on third reading,

House bill No. 387, a bill to be entitled "An Act to create and establish a Confederate Woman's Home for the indigent wives and widows of the ex-Confederate soldiers and sailors of Texas, and to make an appropriation for the maintenance of the same, and to provide for a governing board."

The bill was read third time and passed by the following vote:

Yeas—20.

Barrett.	Hanger.
Beaty.	Harbison.
Chambers.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Stafford.
Glasscock.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Hale.	Willacy.

Nays—9.

Brachfield.	Looney.
Davidson.	Martin.
Harper.	Skinner.
Hicks.	Smith.
Holland.	

Present—Not Voting.

Hawkins.

Absent.

Hill.

HOUSE BILL NO. 332.

On motion of Senator Faust, the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 332.

Senator Hanger moved to reconsider the vote by which the bill was passed to a third reading today.

The motion was adopted, and

The Chair laid before the Senate, on second reading,

House bill No. 332. (See former proceedings of today.)

Senator Faust offered the following amendment, which was adopted:

Amend by adding as follows:

Section 2. The fact that there is no provision of law placing automobiles in the list of property subject to taxation and the near approach of the close of the session, creates an emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Bill read second time and passed to a third reading.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	

Absent.

Hill.

Willacy.

The bill was read third time and passed by the following vote:

Yeas—29.

Barrett.	Brachfield.
Beaty.	Chambers.

Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	

Absent.

Hill. Willacy.

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 37.

Senator Griggs moved that the pending order of business, Senate bill No. 58, be suspended, and the Senate take up, out of its order, House bill No. 617.

Senator Hale moved, as a substitute, that the pending order of business, Senate bill No. 51, be suspended, and the Senate take up, out of its order, House bill No. 37.

The substitute motion was adopted by the following vote:

Yeas—20.

Beaty.	Hawkins.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	Meachum.
Faulk.	Paulus.
Glasscock.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.

Nays—8.

Davidson.	Hicks.
Faust.	Holland.
Griggs.	McKamy.
Grinnan.	Stokes.

Absent.

Barrett. Willacy.
Hill.

Question then being on the motion, as substituted, and on that motion Senator Hicks moved a call of the Senate, which was duly seconded.

The roll was called, the following answering to their names:

Barrett.	Chambers.
Beaty.	Davidson.
Brachfield.	Decker.

Faulk.	Looney.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.
Hale.	Skinner.
Hanger.	Smith.
Harbison.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Holland.	Willacy.

Absent.

Hill.

The Sergeant-at-Arms was instructed to bring in the absent member.

(President Pro Tem. Hanger in the chair.)

HOUSE BILL NO. 472.

On motion of Senator Martin the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 472.

The Chair laid before the Senate on second reading

House bill No. 472, a bill to be entitled "An Act to prevent the diversion of electric current, water or gas, from passing through any meter, and prevent any electric, water or gas meter by any manner or means from registering the full amount of current of electricity, water or gas that passes through it, and to prevent the diversion from any wire of electricity, or pipes of water or gas, or use of any electric current, water or gas of any person, corporation or company engaged in the manufacture or distribution of electricity, or water or gas, for lighting, power or other purposes; and to prevent the retaining of, or refusing to deliver any meters, lamps or other appliances which may have been loaned or supplied for furnishing electricity, water or gas, and to prescribe a penalty for the violation thereof."

The committee report was adopted.

Senator Stafford offered the following amendment, which was adopted:

Amend the bill by adding:

Sec. 2. Whereas, the near approach of the end of the session and the fact that there is now no adequate law on the subject matter of this bill, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Bill read second time and passed to a third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	

Nays—1.

Willacy.

Absent.

Hale.

The bill was read third time and passed by the following vote:

Yeas—31.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Senator Martin moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 159, a bill to be entitled "An Act regulating the sale of concentrated commercial feeding stuffs, defining concentrated feeding stuffs, prohibiting the adulteration and providing for the collection of samples, the expenses of the enforcement of the law and fixing penalties for its violation."

Also resolution requesting the Senate to return Senate bill No. 185 in order to have a roll call on same.

Also adopted the Free Conference Committee report to House bill No. 150 by the following vote: Yeas, 90; nays, 17.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

PRIVILEGED MOTION.

Here Senator Faulk moved that the Senate grant the request of the House to return Senate bill No. 185 for a roll call.

The motion was adopted.

SENATE BILL NO. 321—HOUSE
AMENDMENTS CON-
CURRED IN.

Senator Decker called up

Senate bill No. 321, a bill to be entitled "An Act to amend an act to incorporate the city of Fort Worth and to grant it a new charter, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

(1)

Amend line 17, page 32, by adding after the words "of the city" the following: "Voting thereon at such election."

(2)

Amend lines 17 to 28, page 32, by striking out all beginning with the words "no ordinance," line 17, page 32, and ending with the words "public utility," on lines 27 and 28, on the same page.

The motion to concur in the amendment was adopted by the following vote:

Yeas—28.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—1.

Hale.

Absent.

Glasscock.

Stokes.

Senator Decker moved to reconsider

the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 37.

Here it developed that the absentees who were absent when the Senate went under call were present, and action then recurred on House bill No. 37. The Chair laid before the Senate, on second reading,

House bill No. 37, a bill to be entitled "An Act prescribing how and by whom tickets on railroads, steamboats or transportation companies of any kind engaged in the carrying and transportation of passengers, and by individuals engaged in the transportation of passengers, shall be sold, and providing for the redemption of tickets unused, and designating who may use such tickets, and prescribing penalties for the violation of this act, and repealing all acts in conflict herewith."

Question being on the pending amendment by Senator Hale (see former proceedings of the bill),

Senator Decker moved the previous question on the pending amendment and the bill, which motion being duly seconded, it was so ordered.

The amendment was adopted, and

Senator Brachfield moved to reconsider the vote by which the amendment was adopted, which motion was lost by the following vote:

Yeas—3.

Harbison.	Willacy.
Smith.	

Nays—26.

Barrett.	Harper.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Terrell.

Present—Not Voting.

Hawkins.	Stone.
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The bill was read second time and passed to a third reading by the following vote:

Yeas—17.

Beaty.	Decker.
Brachfield.	Faulk.

Glasscock.	Looney.
Hale.	Martin.
Hanger.	Paulus.
Harbison.	Smith.
Harper.	Terrell.
Hill.	Willacy.
Holland.	

Nays—13.

Barrett.	McKamy.
Chambers.	Meachum.
Davidson.	Skinner.
Faust.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hicks.	

Present—Not Voting.

Hawkins.

Senator Decker moved to reconsider the vote by which the bill was passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 267.

Senator Chambers moved that the pending order of business (Senate bill No. 58) be suspended, and the Senate take up, out of its order, House bill No. 267.

Senator Griggs moved as a substitute that the pending order of business (Senate bill No. 58) be suspended, and the Senate take up, out of its order, House bill No. 617.

The substitute motion was lost.

The motion to take up House bill No. 267 was then adopted.

The Chair laid before the Senate, on second reading,

House bill No. 267, a bill to be entitled "An Act to regulate and place certain restrictions upon the shipment and transportation of intoxicating liquors into any county, justice precinct, school district, city or town or subdivision of a county within this State where the sale of intoxicating liquors has been prohibited under the laws of this State; and providing that where any such intoxicating liquor is not called for and taken away and the charges thereon, if any, paid by the consignee, it shall be started in transit back to the consignor within seven days from the time of its arrival at its destination; and fixing penalties for the violation of this act."

Senator Terrell moved the previous question on the bill, which motion being duly seconded, the same was so ordered.

Bill read second time and passed to a third reading. On motion of Senator Chambers, the constitutional rule requiring bills to be read on three several days was suspended and the bill

put on its third reading and final passage by the following vote:

Yeas—30.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Griggs.

The bill was read third time and passed.

Senator Chambers moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 543.

On motion of Senator Stafford, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 543.

The Chair laid before the Senate, on second reading,

House bill No. 543, a bill to be entitled "An Act to prohibit the soliciting or receiving orders for the sale or delivery of intoxicating liquors in any county in this State, or subdivision thereof, in which the sale of intoxicating liquors has been prohibited by law, and to prescribe a penalty therefor."

The committee report was adopted.

Bill read second time and passed to a third reading. On motion of Senator Stafford the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Barrett.	Hale.
Beaty.	Hanger.
Brachfield.	Harbison.
Chambers.	Harper.
Davidson.	Hawkins.
Decker.	Hicks.
Faulk.	Hill.
Faust.	Holland.
Glasscock.	Looney.
Grinnan.	Martin.

McKamy.	Stafford.
Meachum.	Stokes.
Paulus.	Stone.
Skinner.	Terrell.
Smith.	Willacy.

Absent.

Griggs.

The bill was read third time and passed by the following vote:

Yeas—26.

Barrett.	Hill.
Beaty.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Nays—2.

Hale.	Holland.
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Present—Not Voting.

Decker.

Absent.

Davidson.

Griggs.

Senator Stafford moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which Senate bill No. 185 was passed, and bill passed by following vote—yeas 105, nays 0.

Respectfully

BOB BARKER,
Chief Clerk.

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the house to inform the Senate that the House has concurred in Senate amendment to House bills 116, 257, 533 and 387.

Senate bill No. 76, a bill to be entitled "An Act to provide for recording notices of lis pendens and levies to define the effect of such notice, and to repeal all laws in conflict therewith," with amendments.

Respectfully,

BOB BARKER,
Chief Clerk.

HOUSE BILL NO. 227.

Senator Glasscock moved that the pending order of business (Senate bill No. 58) be suspended, and the Senate take up, out of its order, House bill No. 419.

Senator Skinner moved as a substitute that the pending order of business (Senate bill No. 58) be suspended and the Senate take up, out of its order, House bill No. 227.

The substitute motion was adopted, and

The Chair laid before the Senate on second reading,

House bill No. 227, a bill to be entitled "An Act to authorize and require the Comptroller, whenever it shall appear that any lands subject to taxation in any county have not been assessed for taxes for any year since and including the year 1900, to make a list thereof and deliver the same to the county tax assessor, and require the tax assessor to assess the same for taxes for such years; and to provide * * * etc."

On motion of Senator Decker the committee report with amendments, was adopted.

Senator Skinner offered the following amendment:

Amend the bill by striking out the following committee amendment:

Amend the bill by adding after the word "act," in the caption, the following:

"To amend Article 5098, Revised Statutes of 1895, so as to require persons and corporations rendering property to tax assessors to state its market value and."

And further amend the bill by taking all of Section 1 after the word "Texas," in second line of said section of the engrossed bill, and change the same to Section 2, and change Sections 2, 3, 4, 5, 6, 7 and 8 to Sections 3, 4, 5, 6, 7, 8 and 9, and by adding after the word "Texas," of the first section, the following:

"That Article 5098, Revised Statutes of 1895, be amended so as to hereafter read as follows, to-wit:

"Article 5098. The assessor of taxes shall also require each person rendering a list of taxable property to him for taxation under the assessment laws, to subscribe the following oath

or affirmation, which shall be written or printed at the bottom of each inventory, to-wit:

"I, _____ (filling the blank with the name of the person subscribing), do solemnly swear (or affirm) that the above inventory rendered by me contains a full, true and complete list of all taxable property owned or held by me in my own name (or for others, as the case may be, naming the person, firm or corporation for whom he rendered the list) in this county, subject to taxation by the laws of this State, on the first day of January, A. D. 19.. (filling the blank with the year) and that I have made true answers to all questions contained in said list and propounded to me by the assessor touching on the same, and that I placed the values in said list opposite the items named, and that such values are the true market values of said items, to the best of my knowledge, belief and understanding, so help me God."

And further amend the bill by striking out "Ochiltree county" in the emergency clause and insert in lieu thereof the words "the various counties of the State."

EXECUTIVE MESSAGE.

Executive Office,
State of Texas,
Austin, April 14, 1905.

To the Senate:

I nominate for Notaries Public H. E. Johnson of Frio county, and H. N. Bissell of Grimes county, and ask your advice and consent to their appointment.

S. W. T. LANHAM,
Governor.

EXECUTIVE SESSION—TIME SET FOR.

On motion of Senator Skinner the Senate, by unanimous consent, went into immediate executive session to consider the above appointments sent in by the Governor.

IN EXECUTIVE SESSION.

In executive session the above appointments were confirmed. The names will be placed in the final publication of the notaries.

IN THE SENATE.

Action recurred on the pending business—House bill No. 227.

The question being on the amendment by Senator Skinner.

Senator Hicks moved that the Senate recess till 8 o'clock tonight and Senator Stone moved that the Sen-

ate adjourn till tomorrow morning at 9 o'clock.

Action being on the longest time first, the motion to adjourn till tomorrow morning was lost by the following vote:

Yeas—4.

Martin.	Stokes.
Meachum.	Stone.

Nays—20.

Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Terrell.
Hanger.	Willacy.

Absent.

Barrett.	Harper.
Decker.	Hill.
Hale.	Stafford.
Harbison.	

Action then recurring on Senator Hicks' motion and Senator Grinnan offered the following motion:

Be it resolved, That the Senate recess until 8 o'clock p. m., April 14, 1905, at which hour the roll of Senators shall be called alphabetically, and each member as his name is called shall have the privilege of moving the consideration of some bill, and such roll call shall be continued and repeated for same purpose until all business is disposed of or the Senate adjourns.

Resolved further, That when any objection is made to any such motion the yeas and nays shall be taken by a roll call.

No action.

The motion to recess till 8 o'clock was then adopted.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Hanger.

Question being on the amendment by Senator Skinner to House bill No. 227.

Senator Skinner moved the previous question on the amendment and the bill, which was duly seconded and Here Senator Decker rose to a point of personal privilege.

Pending the discussion the point of order that the Senator was discussing the bill instead of personal privilege, the previous question was ordered by the following vote:

Yeas—22.

Barrett.	Brachfield.
Beaty.	Chambers.

Davidson.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Smith.
Harbison.	Stokes.
Holland.	Willacy.

Nays—7.

Decker.	Hill.
Hale.	Stone.
Hawkins.	Terrell.
Hicks.	

Absent.

Harper.	Stafford.
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The question being on the amendment by Senator Skinner, the same was adopted by the following vote:

Yeas—21.

Barrett.	Hawkins.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stokes.
Harbison.	

Nays—8.

Beaty.	Hill.
Decker.	Stone.
Griggs.	Terrell.
Hicks.	Willacy.

Absent.

Harper.	Stafford.
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The bill was then read second time and passed to a third reading by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stokes.
Hanger.	Terrell.
Harbison.	Willacy.

Nays—3.

Decker.	Stone.
Hawkins.	

Absent.

Harper.

Stafford.

On motion of Senator Skinner, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Pending discussion of the motion by Senator Decker,

Senator McKamy made the point of order that the Senator was speaking for delay and not on the bill.

The Chair declined to sustain the point of order, but left it to the Senate by vote.

Question—Shall the point of order be sustained?

The point of order was overruled by the following vote:

Yeas—13.

Brachfield.	Hawkins.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Glasscock.	Skinner.
Grinnan.	Smith.
Harbison.	

Nays—14.

Barrett.	Hill.
Beaty.	Holland.
Faust.	Meachum.
Griggs.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Harper.	
Hicks.	

Present—Not Voting.

Decker.

Paulus.

Absent.

Stafford.

The motion to suspend the constitutional rule was lost by the following vote:

Yeas—19.

Barrett.	Harper.
Brachfield.	Hawkins.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Hanger.	Stokes.
Harbison.	

Nays—11.

Beaty.	Holland.
Decker.	Meachum.
Griggs.	Stone.
Hale.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Stafford.

HOUSE BILL NO. 164.

On motion of Senator Stokes the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 164.

The Chair laid before the Senate on second reading

House bill No. 164, a bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown gall, black knot or any tree, shrub or plant infested with or by San Jose scale or other contagious, injurious or destructive pest; and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture, Insurance, Statistics and History to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected and infested trees treated; and providing the manner of such destruction and treatment, and for an investigation by the Commissioner of Agriculture, Insurance, Statistics and History when he believes, or has reason to believe, that any of such diseases or pests may exist in this State, and providing the manner of combating such diseases and pests, and the prevention of their spread and dissemination; providing for the examination of nurseries and giving certificates to that effect; regulating the importation of trees, shrubs and plants from without the State; forbidding the selling, consigning or shipping of nursery stock without such certificates; providing for the fumigation of certain trees, shrubs and plants; providing penalties, and making an appropriation, and declaring an emergency."

The committee report was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Stokes the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Barrett.	Hanger.
Beaty.	Harbison.
Brachfield.	Harper.
Chambers.	Hawkins.
Davidson.	Hicks.
Decker.	Hill.
Faulk.	Holland.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.
Hale.	Skinner.

Smith. Terrell.
Stokes. Willacy.
Stone.

Absent.

Looney. Stafford.

Senator Terrell offered the following amendment, which was adopted:

Amend the bill by adding to the bill the following:

Provided, that the provisions of this bill shall not apply to Texas nurseries unless complaint shall have been made to the Commissioner of Insurance, Statistics and History that some disease is in said nursery.

The bill was read third time and passed by the following vote:

Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Harper.	

Present—Not Voting.

Hawkins.

Absent.

Stafford.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table was adopted.

Here Senator Davidson moved that the roll be called and that each Senator, when his name was called be allowed to call up his bill, if he had any that he wanted to be heard on. There was objection.

HOUSE BILL NO. 428.

On motion of Senator Hawkins, the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 428.

The Chair laid before the Senate on second reading

House bill No. 428, a bill to be entitled "An Act to provide further methods of collecting and enforcing the collection of delinquent taxes, and declaring an emergency."

Bill read second time and passed to a third reading.

On motion of Senator Hawkins the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Present—Not Voting.

Smith.

Absent.

Decker. Stafford.

The bill was read third time and passed by the following vote:

Yeas—27.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	

Present—Not Voting.

Smith.

Absent.

Davidson. Willacy.
Stafford.

Senator Hawkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House bill No. 332.

Also to House bill No. 472, by the following vote: Yeas, 64; nays, 27.

Also to House bill 640 by the following vote: Yeas, 91; nays, 3.

Also passed

Senate bill No. 164, a bill to be entitled "An Act to amend Article 278, Chapter 6, Title VIII, of the Penal Code of the State of Texas," relating to the duties of county treasurers.

Respectfully,
BOB BARKER,
Chief Clerk.

HOUSE BILL NO. 320.

Senator Brachfield moved that the pending order of business (Senate bill No. 58) be suspended, and the Senate take up, out of its order, House bill No. 320.

The motion was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 320, a bill to be entitled "An Act to amend 'An Act to amend Section 16 of an act to define and regulate fraternal benefit societies, orders or associations; to prescribe the terms and conditions on which such societies organized under the laws of other States, or those doing business in other States, may be permitted to do business in Texas, and to define the duties of the Commissioner of Insurance in this State in reference thereto; providing for the incorporation of such societies, and declaring an emergency,' approved May 12, 1899, so as to exclude from the provisions of said act the Brotherhood of Locomotive Firemen, Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen, Order of Railway Conductors, Order of Railway Telegraphers, Switchmen's Union of North America and Railway Mail Association."

Bill read second time and passed to a third reading. On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Barrett.	Griggs.
Beaty.	Grinnan.
Brachfield.	Hale.
Chambers.	Hanger.
Davidson.	Harbison.
Decker.	Harper.
Faulk.	Hawkins.
Faust.	Hicks.

Hill.	Skinner.
Holland.	Smith.
Looney.	Stafford.
Martin.	Stokes.
McKamy.	Stone.
Meachum.	Terrell.
Paulus.	

Nays—1.

Glasscock.

Absent.

Willacy.

The bill was read third time and passed by the following vote:

Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Present—Not Voting.

Skinner.

Absent.

Glasscock.

HOUSE JOINT RESOLUTION NO. 2.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House joint resolution No. 2.

Here Senator Faulk made the motion, by unanimous consent, that each Senator be allowed the consideration of one bill, that the roll be called and as each Senator's name was called he be allowed to present his bill, and repeat the roll call till adjournment.

There was objection.

HOUSE JOINT RESOLUTION NO. 2.

The Chair laid before the Senate, on second reading,

Joint resolution amending Section 9 of Article VIII of the Constitution of the State of Texas, providing for the levying of a tax not exceeding fifteen cents on the one hundred dollars' valuation, to pay jurors.

The resolution was read second time and ordered engrossed.

HOUSE BILL NO. 241.

On motion of Senator Willacy, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 241.

The Chair laid before the Senate, on second reading,

House bill No. 241, a bill to be entitled "An Act to authorize counties and cities incorporated under the General Laws to issue bonds for the purpose of raising funds for the payment of valid floating indebtedness, and to provide for the levying and collection of a tax to pay said bonds and the interest thereon; and prescribing the duty of the county and city treasurer with reference thereto."

Bill read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett	Hill.
Beaty.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Present—Not Voting.

Brachfield.	Harbison.
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Absent.

Glasscock.

The bill was read third time and passed by the following vote:

Yeas—28.

Barrett.	Hill.
Beaty.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.

Present—Not Voting.

Harbison.

Absent.

Glasscock.	Hale.
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Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 290.

Senator Harper moved that the pending order of business (Senate bill No. 58) be suspended and the Senate take up, out of its order, House bill No. 290.

Senator Looney moved, as a substitute, that the pending order of business (Senate bill No. 58) be suspended and the Senate take up, out of its order, House bill No. 411.

The substitute motion was lost.

The motion to take up House bill No. 290 was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 290, a bill to be entitled "An Act to authorize the State Board of Education to purchase State warrants with the permanent school fund and the unappropriated available school fund."

The committee report was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Nays—1.

Decker.

Absent.

Glasscock.	Hale.
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The bill was read third time and passed by the following vote:

Yeas—27.

Barrett.	Hill.
Beaty.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Davidson.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—1.

Decker.

Absent.

Glasscock.	Holland.
Hale.	

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 419.

On motion of Senator Meachum the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 419.

The Chair laid before the Senate on second reading,

House bill No. 419, a bill to be entitled "An Act to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same."

Bill read second time and passed to a third reading. On motion of Senator Meachum the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Nays—2.

Decker.	Stokes.
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Absent.

Barrett.	Hale.
Glasscock.	Harper.

The bill was read third time and passed by the following vote.

Yeas—24.

Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.

Nays—1.

Decker.

Absent.

Barrett.	Harper.
Glasscock.	Holland.
Hale.	Willacy.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 410.

On motion of Senator McKamy, the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 410.

The Chair laid before the Senate, on second reading,

House bill No. 410, a bill to be entitled "An Act to regulate the sale of certain mill products and to provide penalties for violation thereof."

The committee report was adopted. Senator McKamy offered the following amendment, which was adopted:

Amend the bill by adding Section 6, as follows:

Section 6. There being now no law to regulate the sale of certain mill products, the near approach of the close of the session and the crowded condition of the docket creates an emergency and imperative public necessity requiring bills to be read on three several days be suspended and that this bill be placed upon its third reading and final passage.

Bill read second time and passed to a third reading.

On motion of Senator McKamy the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third

reading and final passage by the following vote:

Yeas—25.

Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—1.

Smith.

Absent.

Barrett.	Harbison.
Glasscock.	Paulus.
Hale.	

The bill was read third time and passed by the following vote:

Yeas—25.

Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—1.

Smith.

Absent.

Barrett.	Harbison.
Glasscock.	Paulus.
Hale.	

Senator McKamy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE JOINT RESOLUTION NO. 8.

On motion of Senator Faulk, the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House joint resolution No. 8.

The Chair laid before the Senate, on second reading,

House joint resolution No. 8, a joint resolution authorizing the submission to a vote of the people of the State of Texas of a proposed amendment to

Section 24, Article III, of the Constitution of the State of Texas, fixing the salaries of the members of the Legislature.

The committee report was adopted. The resolution was read second time and ordered engrossed.

HOUSE BILL NO. 411.

On motion of Senator Looney, the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 411.

The Chair laid before the Senate, on second reading,

House bill No. 411, a bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the 1st day of July, 1906; for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds."

Senator Looney offered the following amendment, which was adopted:

Amend the bill by adding Section 3 as follows:

"Section 3. The crowded condition of the calendar, the near approach of the close of this session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same so done."

Bill read second time, and

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Davidson.	Meachum.
Faulk.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

Nays—1.

Decker.

Absent.

Barrett.	Hale.
Faust.	Harbison.
Glasscock.	

The bill was read ~~third~~ time and passed.

HOUSE BILL NO. 266.

On motion of Senator Holland, the

pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 266.

The Chair laid before the Senate, on second reading.

House bill No. 266, a bill to be entitled "An Act to provide for the organization and government of irrigation districts and to provide for acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and to issue bonds in payment therefor as authorized under the Constitution, and also to provide for the distribution of water for irrigation purposes, and granting to such irrigation districts the right of eminent domain."

The committee report was adopted. Senator Holland offered the following amendment, which was adopted:

Amend the bill by adding after Section 103: "Provided, this bill shall not now repeal any law now in effect nor repeal any existing law."

Bill read second time and passed to a third reading.

On motion of Senator Holland, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	Hicks.
Chambers.	Holland.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—2.

Hill.	Skinner.
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Absent.

Barrett.	Harbison.
Brachfield.	Looney.
Glasscock.	Stokes.
Hale.	

The bill was read third time and passed.

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 617.

On motion of Senator Griggs, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 617.

66—Senate.

The Chair laid before the Senate, on second reading,

House bill No. 617, a bill to be entitled "An Act to amend an act entitled 'An Act to regulate drilling, operation and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith,' approved March 29, 1899, by adding thereto Sections 7, 8, 9 and 10."

The committee report was adopted. Bill read second time and passed to a third reading.

On motion of Senator Griggs, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Barrett.	Holland.
Glasscock.	Smith.
Hale.	Stafford.
Harbison.	

The bill was read third time and passed by the following vote:

Yeas—23.

Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—1.

Faulk.

Present—Not Voting.

Smith.

Absent.

Barrett.	Harbison.
Glasscock.	Holland.
Hale.	Stafford.

Senator Griggs moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 599.

Senator Terrell moved that the pending order of business, Senate bill No. 58, be suspended, and the Senate take up, out of its order, House bill No. 548.

Senator Decker moved as a substitute that the pending order of business, Senate bill No. 58, be suspended, and the Senate take up, out of its order, House bill No. 599.

The substitute motion was adopted.

The Chair laid before the Senate on third reading

House bill No. 599, a bill to be entitled "An Act to protect fresh water fish and squirrels from being killed or caught to be sold in this State or out of this State, and declaring an emergency."

Senator Faulk offered the following amendment:

Senate amendment to House bill No. 599:

Amend by adding to the bill the following:

Provided, the provisions of this bill shall not apply to any county situated in the Ninth, Twelfth, Thirty-first, Fifth, Eighteenth, Eleventh, Twenty-first, Seventeenth, Tenth, Second, Twenty-fourth, Fifteenth and Fourteenth Senatorial Districts of Texas.

FAULK,
HARPER,
SMITH.

Senator Decker moved to table the amendment, and demanded the previous question on the amendment and the bill, but the previous question was not seconded.

The motion to table was lost and the amendment was then adopted.

Senator Terrell offered the following amendment, which was lost:

Amend the bill by exempting the counties of Bowie, Cass, Marion and Morris from the operations of this bill.

Senator Davidson moved the previous question on the bill, which was duly seconded and the same was so ordered.

The bill was read third time and passed by the following vote:

Yeas—16.

Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faust.	McKamy.
Griggs.	Skinner.
Hanger.	Stokes.
Hawkins.	Stone.
Hicks.	Willacy.

Nays—9.

Beaty.	Meachum.
Faulk.	Paulus.
Grinnan.	Smith.
Harper.	Terrell.
Hill.	

Present—Not Voting.

Brachfield.
Absent.

Barrett.	Harbison.
Glasscock.	Stafford.
Hale.	

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 285, a bill to be entitled "An Act to amend Article 4070 of the Revised Statutes of 1895, relating to the filling of vacancies in the office of county and district surveyor in this State, and to add the emergency clause."

Senate bill No. 105, a bill to be entitled "An Act to provide that no member or officer of any corporations with forfeited charter and permit shall continue to do business under their old corporate names, nor to use the same or like signs or advertisements which were used by such corporations before such forfeitures; making the failure to comply with this act a misdemeanor, and prescribing a punishment therefor."

Senate bill No. 40, a bill to be entitled "An Act providing for return of inventory, list of claims and list of indebtedness in the administration of community estates," with amendments.

Respectfully,
BOB BARKER,
Chief Clerk.

HOUSE BILL NO. 548.

Senator Stone moved that the pending order of business (Senate bill No. 58) be suspended, and the Senate take up, out of its order, House bill No. 548.

Senator Terrell moved as a substitute that the pending order of business (Senate bill No. 58) be suspended, and the Senate take up, out of its order, House bill No. 65.

The substitute motion was lost, and the motion to take up House bill No. 548 was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 548, a bill to be entitled "An Act to amend Title LXIG, Article 3393, of the Revised Statutes of the State of Texas, of 1895, relating to holding local option elections."

Senator Faulk offered the following amendment, which was adopted:

Amend by adding after the last word in Article 3393 as amended by the bill, the following: "provided, that when no such notice is required to be published, then such time shall date from the time such result is declared."

Senator Faulk offered the following amendment:

Amend the bill by adding thereto the following:

"The crowded condition of the calendar and the near approach of the end of the session and there being no adequate law on this subject creates an emergency and an imperative public necessity exists requiring the constitutional rule to be suspended to read bills on three several days, and said rule is so suspended, and this act shall become and be in force from and after its passage, and it is so enacted."

Bill read second time and passed to third reading. On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Glasscock.	Harbison.
Hale.	Stafford.

The bill was read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 40—HOUSE AMENDMENTS CON- CURRED IN.

Senator Chambers called up

Senate bill No. 40, a bill to be entitled "An Act providing for return of inventory, list of claims and list of indebtedness in the administration of community estates,"

And moved that the Senate concur in the following amendments:

Amend the bill by inserting after the words "Title XXXIX," page 1, line 12 (as numbered by the committee) the words "of the Revised Civil Statutes of the State of Texas."

Amend by inserting the words "or wife" after the word "husband," in line 15 of the bill.

Amend by striking out the following words on page 2 of the bill: "And which list so filed shall, after the expiration of twelve months, be prima facie evidence of the indebtedness of said community estate for the amounts therein stated."

The motion to concur was adopted.

HOUSE BILL NO. 466.

On motion of Senator Smith, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 466.

The Chair laid before the Senate, on second reading,

House bill No. 466, a bill to be entitled "An Act imposing an annual occupation tax upon persons engaged in the business of purchasing or procuring assignments or transfers of wages not earned or not due and payable at the date of such assignment or transfer, and regulating those engaged in such business."

The committee report was adopted.

Senator Smith offered the following amendment, which was adopted:

Amend House bill No. 466 by adding Section 6:

"Sec. 6. The fact that there is now no law regulating or restricting the traffic in future wages, the near approach of the end of the session, and the crowded condition of the calendar creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted."

Bill read second time and passed to a third reading. On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on

its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Glasscock.	• Martin.
Hale.	Stafford.
Harbison.	

The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Willacy.
Hawkins.	

Absent.

Glasscock.	Martin.
Hale.	Stafford.
Harbison.	Terrell.

Senator Smith moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 65.

On motion of Senator Stone, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 65.

The Chair laid before the Senate, on second reading,

House bill No. 65, a bill to be entitled "An Act to amend Section 9, of Chapter 111, of the General Laws of Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to authorize the incorporation of mutual assessment accident insurance companies, and to control and regulate the same.'"

The committee report was adopted. Senator McKamy offered the following amendment, which was adopted:

Amend the bill by adding Section 10 as follows:

"Sec. 10. There being now no law providing for the incorporation of mutual assessment accident insurance companies and to control and regulate the same, the crowded condition of the docket, the near approach of the end of the Senate creates an emergency and an imperative public necessity requiring bills to be read on three several days be suspended and this bill be placed on its third reading and final passage."

Bill read second time and passed to a third reading.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Glasscock.	Martin.
Hale.	Stafford.
Harbison.	

The bill was read third time and passed by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Glasscock.	Martin.
Hale.	Stafford.
Harbison.	

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

HOUSE BILL NO. 340.

On motion of Senator Decker, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 340.

The Chair laid before the Senate, on second reading,

House bill No. 340, a bill to be entitled "An Act to amend Article 644 of the Revised Civil Statutes of Texas of 1895, relating to corporations."

The committee report was adopted.

Bill read second time and passed to a third reading.

Senator Chambers here made a motion to adjourn till tomorrow morning at 10 o'clock, but the motion was lost.

HOUSE BILL NO. 133.

On motion of Senator Skinner, the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 133.

The Chair laid before the Senate, on second reading,

House bill No. 133, a bill to be entitled "An Act to fix the time within which the power of sale conferred in mortgages and deeds of trust may be exercised, and after which vendors' liens shall be presumed to be released and satisfied; and to repeal all laws and parts of laws in conflict."

The committee report was adopted.

Senator Skinner offered the following amendment, which was adopted:

Amend by adding Section 6 as follows:

Sec. 6. The great necessity for this law, there being no law upon the subject, and the near approach of the adjournment of the session create a public necessity and an imperative emergency requiring that the rule that bills be read on three several days in each house be suspended, and same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Bill read second time and passed to a third reading.

On motion of Senator Skinner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Chambers.
Brachfield.	Davidson.

Faulk.
Faust.
Griggs.
Grinnan.
Hanger.
Harper.
Hawkins.
Hill.
Holland.
Looney.

McKamy.
Meachum.
Paulus.
Skinner.
Smith.
Stokes.
Stone.
Terrell.
Willacy.

Absent.

Beaty.
Decker.
Glasscock.
Hale.

Harbison.
Hicks.
Martin.
Stafford.

The bill was read third time and passed by the following vote:

Yeas—24.

Barrett.
Brachfield.
Chambers.
Davidson.
Decker.
Faulk.
Faust.
Griggs.
Grinnan.
Hanger.
Harper.
Hawkins.

Hill.
Holland.
Looney.
McKamy.
Meachum.
Paulus.
Skinner.
Smith.
Stokes.
Stone.
Terrell.
Willacy.

Absent.

Beaty.
Glasscock.
Hale.
Harbison.

Hicks.
Martin.
Stafford.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 435.

On motion of Senator Davidson, the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 480.

The Chair laid before the Senate, on second reading,

House bill No. 485, a bill to be entitled "An Act to provide for the incorporation of printers' mutual fire insurance associations."

The committee report was adopted.

On motion of Senator Davidson the Senate rule requiring committee reports to lay over for one day was suspended by unanimous consent.

Bill read second time and passed to a third reading.

On motion of Senator Davidson the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third

reading and final passage by the following vote:

Yeas—23.

Barrett.	Holland.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Decker.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hill.	

Absent.

Beaty.	Harbison.
Faulk.	Hicks.
Glasscock.	Martin.
Hale.	Stafford.

The bill was read third time and passed by the following vote:

Yeas—24.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Hicks.
Glasscock.	Martin.
Hale.	Stafford.
Harbison.	

Senator Davidson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 357.

On motion of Senator Holland, the pending order of business, Senate bill No. 58, was suspended, and the Senate took up, out of its order, House bill No. 357.

The Chair laid before the Senate, on second reading,

House bill No. 357, a bill to be entitled "An Act to amend Article 676 of the Revised Statutes of the State of Texas, 1895, relating to the execution of deeds by corporations."

Bill read second time and passed to a third reading.

On motion of Senator Holland the constitutional rule requiring bills to be read on three several days was sus-

pending and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Hicks.
Glasscock.	Martin.
Hale.	Stafford.
Harbison.	

The bill was read third time and passed.

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 193.

On motion of Senator Brachfield the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 193.

The Chair laid before the Senate on second reading

House bill No. 193, a bill to be entitled "An Act to amend an act passed at the regular session of the Twenty-seventh Legislature of the State of Texas, Chapter 112, entitled 'An Act to forbid the issuance of merchandise checks to employees,' and to repeal all laws and parts of laws in conflict therewith."

Bill read second time and passed to a third reading. On motion of Senator Brachfield the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Holland.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Decker.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hill.	

Absent.

Beaty.	Harbison.
Faulk.	Hicks.
Glasscock.	Martin.
Hale.	Stafford.

The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Beaty.	Harbison.
Glasscock.	Martin.
Hale.	Stafford.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 225.

On motion of Senator Looney the pending order of business (Senate bill No. 58) was suspended, and the Senate took up, out of its order, House bill No. 225.

The Chair laid before the Senate on second reading,

House bill No. 225, a bill to be entitled "An Act to amend Chapter 128 of the acts of the regular session of the Twenty-sixth Legislature of the State of Texas, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prohibited from running at large in the following counties: * * * etc.'"

INVITATION TO VISIT GALVESTON.

Galveston, Texas, April 12, 1905.

Sir: On the 21st to 23d of this month there will be held in Galveston the first annual session of the Northern Settlers' convention, a meeting of the later settlers in Texas with friends from their old homes in the North and East. This will be attended by the Governors and high officials from several of the Western and Southern States, by a large number of journalists representing the press of the Mid-

dle West, and by a very large number of Northern men, as well as the representative men from all over Texas.

Learning that your honorable bodies will adjourn for several days on San Jacinto day, April 21st, this committee, acting for the Galveston Business League, representing the business interests of the city of Galveston, would respectfully ask your honorable bodies if they would honor the above event with their presence. The citizens of Galveston feel that the coming of the Legislative bodies as a whole would add greatly to the dignity of the occasion and they also believe that to the individual members of your honorable bodies, the opportunity to meet the distinguished visitors expected would be one of mutual pleasure.

Trusting that your honorable bodies will give this request your favorable consideration, we remain,

Very respectfully,

Executive Committee of the Northern Settlers' Convention.

H. S. COOPER,

Chairman,

ROBT. I. COHEN,

C. R. KITCHELL.

To the Honorable Senate, Austin, Texas.

SENATE BILL NO. 76—HOUSE AMENDMENTS CONCURRED IN.

Senator Hill called up

Senate bill No. 76, a bill to be entitled "An Act to provide for recording notices of lis pendens and levies, to define the effect of such notice, and to repeal all laws in conflict therewith."

And moved that the Senate concur in the following House amendments:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. During the pendency of any suit or action, legal or equitable, involving the title to real estate, or seeking to establish any legal or equitable estate, interest or right, present or future, vested or contingent, therein, or to enforce any lien, charge or incumbrance against the same, any party plaintiff, as also any party defendant seeking affirmative relief therein, may file with the county clerk of each county where such real estate or any part thereof is situated a notice of the pendency of such suit, to be signed by the party filing same, or his agent or attorney, setting forth the number and style of the cause, the court in which pending, the names of the parties thereto, the kind of suit and a description of the land affected.

Sec. 2. The county clerk shall record such notice of pendency in a well bound book, to be styled "Lis Pendens

Record," and at the same time index the same, both direct and reverse, under the names of each and all parties to the suit. For such performance of duty, the clerk shall be allowed a fee of fifteen cents per hundred words recorded, not to be less than fifty cents.

Sec. 3. The pendency of such suit or action shall not prevent effective transfers or incumbrances to a third party for a valuable consideration and without other notice, actual or constructive, by a party to the suit of any such real estate as against a subsequent decree for the adverse party, unless such notice shall have been properly filed under the name of the party attempting to transfer or incumber, in the county or counties in which said land is situated.

Sec. 4. Such notice of pendency shall not be deemed constructive notice, but merely a memorandum that shall refer all intending purchasers and incumbrancers to an examination of the court records and pleadings to determine whether there is in fact a lis pendens concerning the real estate in question, and it shall be effective for such purpose from the time of its filing.

The motion to concur was adopted.

Senator Hill moved to reconsider the vote by which they were concurred in, and lay that motion on the table.

The motion to table prevailed.

SENATE BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read:

Senate bill No. 119, a bill to be entitled "An Act to amend Articles 2513, 2515, 2518d and 2518e, Chapter 4, Title XLVIII, of the Revised Civil Statutes of 1895; Articles 2516 and 2518h, Chapter 175, of the General Laws of 1899; Articles 2514, 2518c and 2518k, Chapter 122, of the General Laws of 1903, and Article 529g, Chapter 130, of the General Laws of 1901, and adding Article 529x," etc.

Senate bill No. 314, being "An Act to incorporate Itasca school district No. 72, in Hill county, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein."

Senate bill No. 184, a bill to be entitled "An Act to remit penalties on certain patents and to authorize the Commissioner of the General Land Office to deliver to the owner of the land the patent therefor upon payment of patent fee."

Senate bill No. 277, being "An Act

to amend Section 17 of an act incorporating the trustees of the independent school district of the city of San Antonio, Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws."

Senate bill No. 258, a bill to be entitled "An Act to provide for the appointment and qualification of a county auditor in any county having therein a city with a population of forty thousand and over; providing for the manner of the appointment; the duties of said officer; the compensation allowed; making this act cumulative of other provisions in the present laws, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 197, a bill to be entitled "An Act to amend Articles 5065 of Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, so as to define and exempt the property of charitable institutions from taxation."

Senate bill No. 244, a bill to be entitled "An Act to provide for the disposition of the corporate property and for the levy, assessment and collection of taxes to pay existing indebtedness of incorporated cities and towns which have heretofore or may hereafter abolish their corporate existence, and to repeal all laws in conflict herewith."

Senate bill No. 218, a bill to be entitled "An Act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds; providing for the investment of the permanent fund, and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the offices of State and county superintendents; providing for their election and salaries, and prescribing their qualifications and duties; prescribing the duties of other officers in reference to public schools and public school funds; making county judges ex-officio county superintendents in all counties not having county superintendents, and providing for their compensation; providing for reports of school officers and teachers; providing for the creation of school districts in all of the counties of this State; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of county line districts; providing for levying and collecting special taxes for the further maintenance of the public free schools and the erection of school houses; providing for the issuance of common school district bonds for building purposes, and providing a sinking fund therefor; providing for the creation of independent school districts at elec-

mosynary institutions and appointment of trustees therefor; providing for independent school districts in cities and towns, and in towns and villages, and in independent districts incorporated for school purposes only; providing for the issuance of bonds for school purposes by independent districts and creating a sinking fund therefor; providing for the levy of special taxes by independent districts; providing for the election of school trustees in independent districts, and prescribing their qualifications and duties, and naming and enumerating the officers of independent district school boards, and the duties and powers thereof; providing for school houses and school supplies, fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; providing penalties for refusing to answer questions regarding the age of children and other penalties regarding violations of the provisions of this act; regulating the transfer of the school fund; providing separate schools for white and for colored children, and prescribing the studies to be taught therein; fixing the scholastic year and length of the school month; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder; providing for the extension of teachers' certificates; providing for the cancellation of teachers' certificates; providing for the teaching of manual training; regulating conveyances and bequests for the benefit of the public schools; providing who are entitled to the benefits of the public free school; repealing certain laws, and declaring an emergency."

Senate bill No. 67, a bill to be entitled "An Act to authorize the creation of drainage districts within the several counties, and to make drainage improvements therein under the direction of the county commissioners court, and to issue bonds in payment therefor as authorized under the Constitution and provisions of this act, and declaring an emergency."

Senate bill No. 150, a bill to be entitled "An Act to amend Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to provide for and regulate the granting of license to practice as attorney and counsellor at law in all the courts of the State of Texas, and to repeal all laws and parts of laws in conflict therewith,' approved March 19, 1903."

Senate bill No. 185, a bill to be entitled "An Act to amend Articles 3498f, 3498g and 3498l, and to repeal Article 3498m, Revised Civil Statutes of Texas, relating to the sale of mineral land."

Senate bill No. 307, a bill to be en-

titled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Amarillo, in the county of Potter and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes, to be known as the 'Amarillo Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Senate bill No. 210, a bill to be entitled "An Act to amend Subdivision 1 of Article 3139, Chapter 1, Title LXII of the Revised Statutes of the State of Texas, relating to qualifications of jurors, and declaring an emergency."

HOUSE BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 521, a bill to be entitled "An Act to render more effective and efficient the present road law in the State of Texas in its application and operation in the county of Bastrop, and to authorize and empower the said county to issue bonds for the construction or purchasing of bridges and construction and maintenance of public roads and highways within said county, and regulating the compensation of certain officers."

House bill No. 509, a bill to be entitled "An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs."

House bill No. 588, a bill to be entitled "An Act authorizing the operation of the irrigation reclamation act of Congress to the State of Texas in certain cases."

House bill No. 592, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Midlothian, in the county of Ellis and State of Texas, and other lands and territory adjacent thereto to incorporate as an independent school district for free school purposes only, to be known as the Midlothian independent school district, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

House bill No. 565, a bill to be entitled "An Act to incorporate the city of Beaumont, to grant it a special charter, and to repeal an act of the

Legislature of the State of Texas, approved May 12, 1899, and entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter and to fix its boundaries,' and to repeal all acts amendatory of said act, and all special charters and amendments thereto heretofore granted to the city of Beaumont, and declaring an emergency."

House bill No. 615, a bill to be entitled "An Act to restore and confer upon the county court of Sabine county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 628, a bill to be entitled "An Act to amend the charter of the city of Dallas, and the acts amendatory of said charter of the city of Dallas, and to amend an act entitled 'An Act to incorporate the city of Dallas and to grant it a new charter,' approved May 9, 1899, as amended by an act entitled 'An Act to amend Sections 12, 56, 77, 119 and 120 of an act to incorporate the city of Dallas and to grant it a new charter,' approved May 9, 1899, passed by the first called session of the Twenty-sixth Legislature; and as amended by an act entitled 'An Act to amend the charter of the city of Dallas,' entitled 'An Act to incorporate the city of Dallas and grant it a new charter,' approved May 9, 1899," etc.

House concurrent resolution No. 21, authorizing the board of managers of the Confederate Home to permit the Austin Gas Company to extend its gas main to said home.

House bill No. 558, a bill to be entitled "An Act to amend Section 1 of Chapter 24 of the Acts of the Twenty-seventh Legislature of the State of Texas, being 'An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature and sent to the Governor for his approval on the 20th day of May, A. D. 1899, and amended by an act passed by the Twenty-eighth Legislature in Chapter 71, page 97, of the General Laws, and entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Den-

ton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, so as to place Lavaca, Colorado, Washington, Williamson, Smith and Delta counties under the provisions of said chapter,' so as to place McLennan, San Patricio, Limestone, Coryell, Kaufman, Rains, Bastrop, Bee, Camp, Caldwell, Calhoun, Cass, Comanche, Erath, Hill, Harrison, Hopkins, Jackson, Bosque, Montgomery, Morris, Upshur, Parker, Rusk, Red River, Titus, Trinity, Victoria, Van Zandt, Wise, Walker, Wood, Wilson, Comal, Nueces, Bexar, Eastland, Cherokee, Travis and Knox counties under the provisions of said chapter,' and to provide for the holding of an election for the purpose of enabling the freeholders of such counties or subdivisions thereof as may have adopted said law to repeal the same."

House bill No. 638, a bill to be entitled "An Act to restore and confer upon the county court of Dimmit county the civil and criminal jurisdiction heretofore belonging to said county court under the Constitution and general statutes of the State of Texas, to define the jurisdiction of said county, to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 629, a bill to be entitled "An Act to extend the powers and duties of county commissioners and road supervisors of Bowie county, and providing compensation thereof."

House bill No. 639, a bill to be entitled "An Act changing and fixing the times of holding the courts in the Third Judicial District of Texas and providing for three terms of court in Anderson county."

House bill No. 542, a bill to be entitled "An Act to create a more efficient road system for Coleman county, Texas."

House bill No. 361, a bill to be entitled "An Act to provide for the levy and collection of a tax upon the gross receipts of certain corporations."

House bill No. 631, a bill to be entitled "An Act creating the Gause independent school district in Milam county, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district with all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

House bill No. 96, a bill to be en-

titled "An Act to fix the salaries of the district judges in this State."

House bill No. 441, a bill to be entitled "An Act to provide for the sale and lease of the public free school and asylum lands; and to prevent the free use, occupancy and enclosure of the same; and to repeal Chapters 47 and 48, Acts of 1895, and Chapter 129, Acts of 1897, and Sections 5, 6, 7 and 8, Chapter 11, Act of February 23, 1900, and Chapter 88, approved April 15, 1901, and Chapter 125, Acts of April 19, 1901, and all other laws in conflict herewith."

House bill No. 480, a bill to be entitled "An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called into actual service, and to repeal all laws in conflict therewith."

ADJOURNMENT.

On motion of Senator Decker, the Senate, at 12 o'clock p. m., adjourned till tomorrow morning at 9 o'clock.

APPENDIX.

COMMITTEE REPORTS.

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, April 14, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 63, being "An Act to compel railroads and railway corporations to erect and maintain water closets at passenger stations, to regulate the same, to fix penalties and authorize suits therefor, with an emergency clause."

Be it enacted by the Legislature of the State of Texas:

Section 1. That each railroad and railway corporation operating a line of railway in the State of Texas for the transportation of passengers thereon, shall hereafter be required to construct, maintain and keep in a reasonably clean and sanitary condition, suitable and separate water closets for both male and female persons at each passenger station on its line of railway, either within its passenger depot or in connection therewith, or within a reasonable and convenient distance therefrom at such station, for the accommodation of its passengers who are received and dis-

charged from its cars thereat, and of its patrons and employes who have business with such railroads and corporations at such stations.

Sec. 2. That said railroads and corporations are hereby required to keep said water closets and depot grounds adjacent thereto well lighted at such hours, in the night time, as its passengers and patrons at such stations may have occasion to be at the same, either for the purpose of taking passage on its trains or waiting for the arrival thereof, or after leaving the same, and for at least one hour both before the schedule time for the arrival of its said trains and after the arrival thereof at said station; provided, that said railroads and corporations shall not be required by the provisions hereof to keep said closets lighted at such stations where the said railroads do not receive and discharge thereat, in the night time passengers on and from its cars.

Sec. 3. Any railroad or railway corporation which fails, neglects or refuses to comply with the provisions of this act shall forfeit and pay to the State of Texas the sum of one hundred dollars for each week it so fails and neglects. The county attorney of the county in which such station is located, and in case there is no such county attorney, then the attorney for the district including said county, shall, upon creditable information furnished him, institute suit or suits in the name of the State of Texas against such defaulting railroad or railway corporation for recovery of said penalty; and in case of recovery, the said attorney shall be entitled to one-fourth the amount thereof as commission for his said services, and the remainder thereof shall be paid into the road and bridge fund of said county; provided, that the State of Texas shall, in no event, be liable for any costs in suits authorized to be brought by this act to enforce its provisions.

Sec. 4. The failure of railway corporations to provide and maintain water closets at their passenger depots in this State, and the great inconvenience to the traveling public by reason of such failure create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be, and the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 8:35 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.
Committee Room,

Austin, Texas April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Free conference bill for substitute Senate bill No. 43, being "An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State, providing for a system of State, county and city depositories for said State, county and city funds, for the selection and designation of such depositories; to provide penalties for the violation of the provisions of this Act, and to repeal all laws and parts of laws in conflict herewith."

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of the State Treasurer at the times and in the manner provided in this Act to designate a bank or banking institution in each Senatorial District of the State of Texas which shall be known as a State depository. Said bank or banking institution must be a National Bank or an incorporated company authorized to do a banking business in the State of Texas, and each said depository shall be established and conducted in accordance with and subject to the provisions of this Act. Other depositories may be selected in lieu of those not selected from and for Senatorial Districts as provided for herein.

Sec. 2. Immediately upon the qualification of each State Treasurer elected at a general election after this Act takes effect, it shall be his duty to cause to be printed a circular letter soliciting bids for keeping the public funds of the State for a term of two years next after the succeeding March 1 upon the conditions prescribed in this Act. Said circular letter shall state the conditions to be complied with by the bidders, as hereinafter provided, and what each bid shall set forth, and shall require such bids to be forwarded to the State Treasurer on or before 12 o'clock noon of the first Monday in February thereafter, and shall require that each bid shall be accompanied by a certified check for the sum of five hundred dollars, payable to the order of the State Treasurer, which shall become forfeited to the State in case said bid shall be accepted and the bidder shall fail to comply with the requirements, as provided by this Act, for the qualification of depositories; otherwise such check shall be returned to the bidder. The Treasurer shall mail a copy of such circular letter to each of the banks or banking institutions in the State of the class before mentioned, and shall immediately deposit with the Comptroller and Attorney General a copy of such cir-

cular letter, and attach thereto a list of those to whom it has been mailed, as above provided, such copy and list so filed to be certified by the State Treasurer under his seal of office. The State Treasurer shall also keep a copy of such letter, and a list of those to whom it has been sent, on file in his office for the inspection of any person desiring to examine the same.

Sec. 3. Bids sent to the State Treasurer shall be sealed up in a strong envelope and marked "Bid for the safe keeping and payment of the deposits of the State funds," and the State Treasurer shall endorse thereon the time of the receipt of such bid. Such bid shall state the interest such bank will pay on the average daily balances to the credit of the State Treasury in such bank. Said bids shall be directed to the State Treasurer, and by him opened on the first Monday in February thereafter in the presence of the Comptroller and Attorney-General, and thereupon the Treasurer shall select and designate, with the approval of the Comptroller and Attorney-General, one of such banks or banking institutions as the depository of the State for each Senatorial District. The Treasurer may, with the approval of the Comptroller and Attorney-General, reject any and all bids, and in all cases the bank or banking institutions offering the highest interest shall be selected, if any from such Senatorial District. No award of State money shall be made upon any bid therefor greater than the paid-up capital stock of the bank making such bid.

Sec. 4. When said bank or banking institution in any Senatorial District so designated by the State Treasurer has complied with the conditions of this Act, it shall be authorized to receive on deposit from the State Treasurer or under his direction, State funds not exceeding fifty thousand (\$50,000) dollars for any one bank, and it shall be the duty of said State Treasurer to cause the funds of the State to be deposited in said State depositories subject to the conditions and limitations of this Act.

Sec. 5. Before the State Treasurer is authorized to deposit any State funds in any State depository herein provided for or to cause the same to be so deposited, he shall satisfy himself as to the solvency of said institution, and in addition thereto he shall require:

First. A bond in the amount of twenty-five thousand (\$25,000) dollars, which bond shall be payable to the Governor and to his successors in office, and said bond shall be conditioned for the safe keeping of said funds deposited and to meet the requirements

incorporated State or National bank authorized to do business in Texas; but in such cases the liability of the person sending the same shall not cease until said money is actually received by the State Treasurer or State depository, in due course of business.

Sec. 13. The Treasurer, Comptroller and Attorney-General of the State of Texas shall on the taking effect of this Act, have the right to make such rules and regulations governing the establishment and conduct of State depositories and State funds therein as the public interest may require, not inconsistent with this act, which said rules and regulations shall be in writing.

Sec. 14. All State funds shall be deposited in State depositories designated under this act subject to the limitations of this act; provided, that the State Treasurer is authorized to keep and retain in the State Treasury at Austin sufficient funds to meet the current expenses of the government in case he finds it advisable so to do.

Sec. 15. If any officer charged with the duty of depositing State funds shall refuse to deposit the same in said depository authorized to receive the same, he shall be liable on his official bond therefor, and for interest on said amount which he has failed to so deposit at the rate of five per cent per month, at the suit of the State or county, as the case may be, and this shall be a cause for removal from office.

Sec. 16. Any banking institution designated as a State depository shall continue to act as such until March first succeeding the next general election held after its designation, and until the undertaking of its successors has been accepted by the proper authorities; provided, however, that in case any such institution shall fail and refuse to qualify as such depository within thirty days next after its bid for State funds has been accepted, in the manner provided for in this act, or in case it shall fail and refuse to comply with any of the conditions of this act, or fail to discharge any of its duties thereunder, it shall be considered a just cause for forfeiting its rights to act as said State depository, and in such case the proper authorities shall be authorized to withdraw all State funds from such institution at any time after five days' notice of such intention, and in such cases a new State depository shall be established under the same rules and regulations as herein provided for the establishment thereof in the first instance. The same rules and regulations shall apply in establishing new depositories after the tenure of depositories provided for in this act have expired; that is, the money shall again be let to the highest

bidder as in the first instance, and all other regulations with reference thereto, before provided herein shall apply, but in any case arising under this act where two or more of the highest bids are the same another competitive bidding for said funds shall be ordered as in the first instance.

Sec. 17. It shall be the duty of the State Treasurer to keep and maintain as nearly as possible a fair and equal balance of moneys on hand in each State depository established by this act in proportion to the amount each is entitled to receive by drawing warrants alternately thereon or by apportioning the warrants so drawn.

Sec. 18. On demand of the State Treasurer, any State depository shall issue to him or his order, free of charge, a draft of exchange on any bank in this State designated by the United States authorities as a "Reserve Bank," which draft may be in any sum stated by the State Treasurer not exceeding the amount of the State's deposit in said depository.

Sec. 19. If for any one or more Senatorial districts no bid shall be submitted, or none shall be accepted, or the successful bidder shall fail to qualify as provided herein, it shall be the duty of the State Treasurer immediately after the date fixed herein for the opening of bids to advertise for bids in such daily newspaper or newspapers of general circulation in the State as they may deem advisable, for proposals from any bank or banks of the class and character before mentioned, in the State, to keep, as a State depository, as many thirty-firsts of the State funds, not exceeding fifty thousand dollars for each thirty-first, as there are such senatorial districts, for which no depository has been selected; not exceeding two thirty-firsts to be awarded to any one bidder, such bids to be submitted upon a date named in such notice, not less than twenty nor more than thirty days subsequent to the first publication of said notice last above named. Upon the date named in such notice the State Treasurer shall open all bids so received in the presence of the Comptroller and Attorney General, and shall, with their approval and consent, award the keeping of the number of thirty-firsts of the State funds for which proposals have been advertised for, to the highest and best bidders therefor. At the discretion of the State Treasurer, Comptroller, and Attorney General, one bidder, making a proposal under the provision of this section, may be awarded the keeping of two-thirty-firsts or not exceeding one hundred thousand dollars

of this Act, in such form as the Attorney-General shall prescribe, and the same restrictions and requirements as to sureties thereon shall apply as is now or may hereafter be required in the bond of the State Treasurer.

Sec. 6. The State Treasurer shall also require the deposit as collateral security for said deposit desired, United States, State, county independent school district or municipal bonds in the sum of fifty thousand (\$50,000) dollars, but before any State, county or municipal bonds shall be received as collateral security in such cases, they must be registered with the Comptroller and approved by the Attorney-General of the State of Texas under the same rules and regulations as are now required for bonds in which the permanent school funds of the State are to be invested. Provided such county, municipal or independent school district bonds must be worth not less than par.

Sec. 7. The bonds above mentioned shall be delivered to the State Treasurer and accepted by him, and retained by him in the vaults of the State Treasury of this State; and if, in any case, or at any time, such bonds are not satisfactory, security to the Comptroller and Attorney-General and Treasurer, for the deposits made under this Act, they may require such additional security to be given as will be satisfactory to them; and the Comptroller, Attorney-General and Treasurer shall, from time to time, inspect such bonds and see that the same are actually kept in the vaults of the State Treasury; and in the event that said bank or banks or banking institutions selected as State depositories shall fail to pay such deposits, he shall have power to forthwith convert such bonds into money, and disburse the same according to law, upon the warrants drawn by the State Comptroller upon the funds for which said bonds are security. Any bank making deposit of bonds with the State Treasurer under the provisions of this Act may cause such bonds to be indorsed, or stamped as they may deem proper, so as to show that they are deposited as collateral, and are not transferable, except upon the conditions of this Act.

Sec. 8. Any State depository receiving State funds under the provisions of this Act shall pay to the State Treasurer at the end of each month interest on the average daily balance for said month at the rate of interest agreed upon, which shall in no event be less than at the rate of 2 per cent per annum.

Sec. 9. All tax collectors in the State of Texas and all officers charged with the duty of remitting to the State

Treasurer State funds shall, after the passage of this Act, instead of remitting State funds to the State Treasurer, as is now required by law, cause the same to be remitted to or deposited with the nearest State depository for their respective Senatorial Districts in case such districts have such a depository, and shall require of said depository a triplicate receipt therefor, one of which shall be preserved by the party so depositing said State funds and the others shall be forwarded direct to the Treasurer of the State of Texas and Comptroller, respectively, whose duty it shall be also to keep with each State depository in Texas an accurate account showing a true and correct statement of the account of said depository with the State of Texas and the balance on hand in each at the close of each day's business.

Sec. 10. If any State depository shall receive or have on hand State funds in excess of fifty thousand (\$50,000) dollars, said State depository shall remit forthwith on the first of the next month said excess to the Treasurer of the State of Texas, and in case any State depository shall fail or refuse to remit this excess it shall forfeit its right to act as a State depository, and the State Treasurer shall at once close his account with said depository, notify all tax collectors and others charged with the duty of collecting public funds for the State of Texas, and the Attorney-General of the State shall cause such action to be taken, if any, as may be necessary to protect the State's interest in the premises.

Sec. 11. The books and accounts of any bank or banking institution designated as a State or county depository pertaining to public funds shall at all times be open and subject to the inspection of the State Treasurer of Texas, the county treasurer, the Attorney-General, or any district or county attorney of the State of Texas.

Sec. 12. Any person whose duty it is to pay over to the State of Texas any money belonging thereto or to any funds of said State may pay the same to the State Treasurer or he may remit or deposit the same in any State depository, which is then authorized to act as a State depository under this Act, but in case the party is a non-resident of the State of Texas, said money so due or to become due, shall be remitted direct to the State Treasurer at Austin. In any event said money or any money due the State, or any of its funds may be sent by registered letter in due course of mail, by postoffice money order, express money order of any company authorized to do business in Texas, or by personal check, or bank draft on any

of the State funds, and in such case such bidder shall deposit securities of double the value, of the same class and character, and give double the indemnity bonds required by this act for depositories selected from senatorial districts, and shall be governed by all the restrictions and regulations imposed upon them by this act, provided such depositories giving such securities shall remit to the State Treasurer all funds in excess of one hundred thousand dollars, and shall be permitted to keep on deposit at all time two thirty-firsts of all the State funds not exceeding one hundred thousand dollars. All depositories selected under this section shall be required to file with their bids the same certified check to be forfeited under the same conditions, and their tenure shall terminate at the same time as depositories selected from senatorial districts.

No award shall in any court be made to any bidder under this section who shall propose to pay less than 2 per cent per annum on daily balance.

COUNTY DEPOSITORIES.

Section 20. The commissioners court of each county in this State are authorized at the first term thereof after this act takes effect and at the February term thereof in 1907, and every two years thereafter, to receive proposals from any banking incorporation, association or individual banker in such county as may be desired to be selected as the depository of the funds of such county. Notice that such bids will be received shall be published by and over the name of the county judge once each week for at least twenty days before the commencement of such term, in some newspaper published in said county, and if no newspaper be published therein, then in any newspaper published in the nearest county, and in addition thereto notice shall be published by posting same at the court house door of said county.

Sec. 21. Any banking corporation, association or individual banker in such county desiring to bid, shall deliver to the county judge on or before the first day of the term of the commissioners court at which the selection of a depository is to be made, a sealed proposal, stating the rate of interest that said banking corporation, association or individual banker offers to pay on the funds of the county for the term between the date of such bid and the next regular time for the selection of a depository. Said bid shall be accompanied by a certified check for not less than one-half of one per cent of the county revenue of the preceding

year as a guarantee of good faith on the part of the bidder, and that if his bid should be successful he will enter into the bond hereafter provided and upon the failure of the banking corporation, association or individual banker that may be selected as such depository to give the bond required by law the amount of such certified check shall go to the county as liquidated damages, and the county judge shall readvertise for bids.

Sec. 22. It shall be the duty of the commissioners court at 10 o'clock a. m. on the first day of the first term thereof after this act takes effect and of the February term, 1907, and every two years thereafter, to publicly open said bids and cause each bid to be entered upon the minutes of the court and to select as the depository of all the funds of the county the banking corporation, association or individual banker offering to pay the largest rate of interest per annum for said fund; provided, the commissioners may reject any and all bids. The interest upon such county funds shall be computed upon the daily balances of the credit of such county with such depository, and shall be payable to the county treasurer monthly and shall be placed to the credit of the jury fund, or to such fund as the commissioners court may direct. When selection of a depository has been made, the checks of bidders, whose bids have been rejected, shall be immediately returned. The check of the bidder whose bid is accepted shall be returned when his bond is filed and approved by the commissioners court and not until such bond is filed and approved.

Sec. 23. Within five days after the selection of such depository, it shall be the duty of the banking corporation, association or individual banker so selected to execute a bond payable to the county judge, and his successors in office, to be approved by the commissioners court of said county and filed in the office of the county clerk of said court with not less than five solvent sureties, who shall own unincumbered real estate in this State not exempt from execution under the laws of this State, of as great value as the amount of said bond; said bond shall in no event be for less than the total amount of revenue of such county for the entire two years for which the same is made. Provided that the commissioners court may accept in lieu of such real estate security, bonds of the United States, or of the State of Texas, or of any county, city, town or independent school district in this State, which shall be deposited as the commissioners court may direct, the penalty of said bond to be not less

than the total annual revenue of said county for the years for which said bond is given and conditioned for the faithful performance of all the duties and obligations devolving by law upon such depository, and for the payment upon presentation of all checks drawn upon said depository by the county treasurer of said county whenever any county funds shall be in said depository, and that all funds in said county shall be faithfully kept by said depository and accounted for according to law, and that any suits arising thereon shall be tried in the county for which such depository is selected.

Sec. 24. As soon as said bond shall be given and approved by the commissioners court, an order shall be made and entered upon the minutes of said court designating such banking corporation, association or individual banker as a depository of the funds of said county until sixty days after the time fixed for the next selection of a depository; and thereupon it shall be the duty of the county treasurer of said county, immediately upon the making of such order to transfer to said depository all the funds belonging to said county, and immediately upon the receipt of any money thereafter to deposit the same with said depository to the credit of said county; and for each and every failure to make such deposit the county treasurer shall be liable to said depository for ten per cent upon the amount not so deposited, to be recovered by civil action against such treasurer and the sureties on his official bond in any court of competent jurisdiction in the county.

Sec. 25. If for any reason there shall be submitted no proposals by any banking corporation, association or individual banker to act as county depository, or in case no bid for the entire amount of the county funds shall be made, or in case all proposals made shall be declined, then in any such case the commissioners court shall have the power and it shall be their duty to deposit the funds of the county with any one or more banking corporations, associations or individual bankers in the county or in adjoining counties, in such sums or amounts and for such period of time as may be deemed advisable by the court and at such rate of interest, not less than one and one-half per cent per annum, as may be agreed upon by the commissioners court and the banker or banking concern receiving the deposit, interest to be computed upon daily balances due the county treasurer; and any banker or banking concern receiving deposits under this section shall execute a bond in the manner and form provided for depositories of all the funds of the county with all the con-

ditions provided for same, the penalty of said bonds to be not less than the total amount of county funds to be deposited with such banker or banking concern.

Sec. 26. When the funds of any county shall be deposited with two or more depositories, the commissioners court shall select and name by order one of said depositories to act as a clearing house for the others at which all county warrants shall be finally paid.

Sec. 27. It shall be the duty of the depository to provide for the payment upon presentment at the county seat of the county of all checks drawn by the county treasurer upon the funds of said county so long as funds of said county treasurer shall be in the possession of the depository subject to such checks; and for every failure to pay such check or checks at the county seat of such county upon presentment, said depository shall forfeit and pay to the holder of such check ten per cent of the amount thereof and the commissioners court shall revoke the order creating such depository. Provided, however, the amount of its bid shall not be returned, but shall be forfeited to the county.

Sec. 28. If any depository selected by the commissioners court be not located at the county seat of such county, said depository shall file with the county treasurer of such county a statement designating the place at said county seat where, and the person by whom all deposits may be received from the treasurer for such depository and where and by whom all checks will be paid, and such depository shall cause every check to be paid upon presentation at the place so designated so long as the said depository has sufficient funds to the credit of said county applicable to its payment.

Sec. 29. It shall be the duty of the county treasurer upon the presentation to him of any warrant drawn by the proper authority, if there shall be money enough in the depository belonging to the funds upon which said warrant is drawn and out of which the same is payable, to draw his check as county treasurer upon the county depository in favor of the legal holder of said warrant and to take up said warrant and to charge same to the fund upon which it is drawn; but no county treasurer shall draw any check upon the funds with said depository unless there is sufficient money belonging to the fund upon which said warrant is drawn to pay the same, and no money belonging to said county shall be paid by said depository except upon check of the county treasurer, and it shall be the duty of such depository to

make a detailed statement to the county commissioners court at each regular term of said court showing the daily balances of the preceding quarter. In case any bonds, coupons or other indebtedness of any county by the terms thereof are payable at any particular place other than the treasury of the county nothing herein contained shall prevent the commissioners court of any such county from causing the treasurer to place a sufficient sum at the place where such debts shall be payable at the time and place of their maturity.

Sec. 30. If, for any reason, no selection of a depository be made, at the time provided by law, the commissioners court may, at any subsequent time after twenty days' notice, select a depository in the manner provided for such selection at the regular time, and the depository so selected shall remain the depository until the next regular time for selecting a depository, unless the order selecting and naming such depository be revoked for lawful reasons.

Sec. 31. If the commissioners court shall at any time deem it necessary for the protection of the county, it may require any depository to execute a new bond, and if said new bond be not filed within five days from the time of the service of a copy of said order upon said depository the commissioners court may proceed to the selection of another depository in the manner provided for the selection of a depository at the regular time for such selection.

Sec. 32. The county treasurer shall not be responsible for any loss of the county funds through the failure or negligence of any depository, but nothing in this act shall release any county treasurer for any loss resulting from any official misconduct or negligence on his part, or from any responsibility for the funds of the county, until a depository shall be selected and the funds deposited therein, or for any misappropriation of such funds by him.

Sec. 33. If there be no bank situated within the county that seeks to select a county depository, then the county commissioners court shall advertise for bids in the adjoining counties in the manner hereinbefore provided in Section 20 of this act; provided, that when a depository has been selected by the county commissioners court in the manner set forth in this act, said county depository shall, within five (5) days after notice of such selection had been given to said depository, file with the county treasurer of such county a statement designating the place at said county seat where, and the person by whom all deposits may

be received from the treasurer for such depository, and where and by whom all checks will be paid.

CITY DEPOSITORIES.

Section 34. The city council of every city in the State of Texas incorporated under the general laws thereof, at its first regular meeting after this act shall take effect, and at its regular meeting in July of each year thereafter, is authorized to receive sealed proposals for the custody of the city funds from any banking corporation, association or individual banker doing business within the city that may be selected as the depository of the funds of the city. Notice that such bids will be received shall be published by the city secretary not less than one nor more than four weeks before such meeting, in some newspaper published in the city. Any banking corporation, association or individual banker doing business in the city desiring to bid, shall deliver to the city secretary, on or before the day of such meeting designated by said published notice, a sealed proposal stating the rate per cent upon daily balances that such banking corporation, association, or individual banker offers to pay to the city for the privilege of being made the depository of the funds of the city for the year next following the date of such meeting; or in the event that said selection shall be made for a less term than one year, as hereinafter provided, then for the time between the date of said bid and the next regular time for the selection of a depository, as aforesaid. All such proposals shall be securely kept by the secretary, and shall not be opened until the meeting of the council for the purpose of passing upon same, nor shall any other proposal be received after they shall have been opened. It shall be a misdemeanor for the city secretary or other person to open any of said proposals or to disclose directly or indirectly the amount of any such bid to any person or persons before the selection of such depository, and upon conviction he shall be fined in a sum of not less than ten nor more than one hundred dollars.

Sec. 35. Upon the opening of the sealed proposals submitted, the city council shall select as the depository of the funds of the city the banking corporation, association or individual banker offering to pay to the city the largest amount for such privileges; provided, however, the council shall have the right to reject any and all bids, and readvertise for new proposals. Within five days after the selection of such depository it shall be the duty of the banking corporation, association or individual banker so selected to exe-

cute a bond, payable to the city, to be approved by the mayor with the concurrence of the city council and filed with the city secretary, with not less than three solvent sureties, who shall own unincumbered real estate in the county in which said city is located, of as great value as the amount of said bond or depository may make said bonds in some approved fidelity and surety company, the penalty of said bond to be at least double the total revenues of the city for the preceding fiscal year, and conditioned for the faithful performance of all duties and obligations devolving by law or ordinance upon said depository, and for the payment upon presentation of all checks drawn upon said depository by the city treasurer, whenever any funds shall be in said depository applicable to the payment of said checks, and that all funds of the city shall be faithfully kept by said depository, and with the interest thereon accounted for according to law; and for a breach of said bond, the city may maintain an action in its name.

Sec. 36. As soon as said bond shall be given and approved, an order shall be made by the council designating said banking corporation, association or individual banker as the depository of the funds of the city until the time fixed by this act for another selection, and such order shall be entered upon the minutes. It shall be the duty of the city treasurer immediately upon the making of said order to transfer to said depository all the funds in his hands belonging to the city, and immediately upon the receipt of any money thereafter he shall deposit the same with said depository to the credit of the city, and for each and every failure to make such deposit, the treasurer and his bondsmen shall be liable to said depository for ten per cent per month upon the amount not so deposited, to be recovered by civil action in any court of competent jurisdiction. If any banking corporation, association or individual banker, after having been selected as such depository, shall fail to give bond within the time provided by this act, then the selection of such banking corporation, association or individual banker as the depository of the city funds shall be set aside and be null and void, and the city council shall after notice published in the manner hereinbefore provided, proceed to receive new bids and select other depository.

Sec. 37. It shall be the duty of the city treasurer upon the presentation to him of any warrant drawn by the proper authority, if there shall be money enough in the depository belonging to the fund upon which said warrant is drawn and out of which the same is payable, to draw his check as city treasurer upon the city deposi-

tory in favor of the legal holder of said warrant and to take up said warrant and charge the same to the fund upon which it is drawn; but in no case shall the city treasurer draw any check upon any fund in the city depository unless there is sufficient money belonging to the fund upon which said warrant is drawn to pay the same. No money belonging to the city shall be paid out of the city depository except upon the checks of the city treasurer; and all such checks shall be payable by said depository at its place of business in the city. In case any bonds or coupons or other indebtedness of the city are payable, by the terms of such bonds, coupons or other indebtedness, at any particular place other than the city treasury, nothing herein contained shall prevent the city council from causing the treasurer to withdraw from the depository and to place at the place where such bonds, coupons or other indebtedness shall be payable at the time of their maturity, a sufficient sum to meet the same.

Sec. 38. If, for any reason, no selection of a depository is made at the time fixed by this act, the city council may, at any subsequent meeting, after notice published as hereinbefore provided, receive bids and select a depository in the manner herein set out, and the banking corporation, association or individual banker so selected shall remain the depository until the next regular term for the selection of a depository, unless the order selecting it be revoked for the causes specified in this act. If the city council shall at any time deem it necessary for the protection of the city, it may, by resolution, require the depository to execute a new bond, and upon failure to do so, within five days after the service of a copy of the resolution on said depository, the city council may proceed to select another depository in the manner hereinbefore provided. The city treasurer shall not be responsible for any loss of the city funds through the negligence, failure or wrongful act of such depository, but nothing in this act shall release said treasurer from responsibility for any loss resulting from any official misconduct on his part, or from responsibility for the funds of the city at any time when, for any reason, there shall be no city depository, or until a depository shall be selected and the funds deposited therein, or for any misappropriation of such funds in any manner by him.

Sec. 39. No check shall be drawn upon the city depository by the treasurer, except upon a warrant signed by the mayor and attested by the secretary. No warrant shall be drawn by the mayor and secretary upon any of the special funds of the city created for the purpose of paying the bonded indebtedness of said city in the hands

of the city treasurer, or in the depository for any purpose whatsoever other than to pay the principal or interest of said special fund, or for the purpose of investing said special fund according to law. No city treasurer shall pay off, or issue a check, to pay any bonded indebtedness of said city other than for the purpose to pay interest due on said bonds, the principal of said bonds, or for the purpose of making an investment of said fund according to law. Any mayor who shall draw a warrant against a special fund as above defined for any other purpose than above specified, or any city treasurer who shall pay, or issue a check to pay a warrant drawn on the special fund of any city other than for the legal purpose of paying interest due on said bonds, the principal of said bonds, or for investing said sinking fund according to law, shall be guilty of a felony and upon conviction shall be confined in the penitentiary for any term not less than one year and not more than five years. The treasurer shall report to the council on or before its first regular meeting of July in each year the amount of receipts and expenditures of the treasury, the amount of money on hand in each fund, and the amount of bonds falling due for the redemption of which provision must be made; also the amount of interest to be paid during the next fiscal year, and such other reports as the existing law requires of him.

Sec. 40. All provisions of this act shall apply to towns and villages incorporated under the General Laws of Texas, as well as to cities so incorporated, and the term "city council" as herein used shall be construed to include the board of aldermen of such towns and villages; the terms "city secretary" and "secretary" shall be construed to include the clerk or secretary of such towns and villages; the term "city treasurer" shall be construed to include the treasurer of such towns and villages, and the term "city" shall be construed to include towns and villages.

Sec. 41. All laws and parts of laws in conflict herewith are hereby repealed.

And find the same correctly enrolled, and have this day, at 8:35 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.
Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 176, being "An Act to prevent by means of the writ of in-

junction at the suit of the State or any citizen thereof, the habitual use, actual, contemplated or threatened, of any premises, place, building or part thereof, for the purpose of gaming or of keeping or exhibiting games prohibited by the laws of this State."

Be it enacted by the Legislature of the State of Texas:

Section 1. The habitual use, actual, threatened or contemplated use of any premises, place, building or part thereof, for the purpose of gaming or of keeping or exhibiting games prohibited by the laws of this State, shall be enjoined at the suit either of the State or of any citizen thereof.

Any person who may so use, or threaten or contemplate so to use, or who may aid or abet, or who may threaten or contemplate to aid or abet such use of any premises, place or building, or part thereof, may be made a party defendant in such suit.

Sec. 2. The Attorney General and the several district and county attorneys shall institute and prosecute all suits that said Attorney General or such district or county attorney may deem necessary to enjoin such use; provided, that such suit may be brought and prosecuted by any one of said officers; and provided further, that nothing in the above proviso contained shall prevent such injunction from issuing at the suit of any citizen of this State who may sue in his own name, and such citizen shall not be required to show that he is personally injured by the acts complained of.

Sec. 3. The procedure in all cases brought hereunder shall be the same as in other suits for injunction, as near as may be; provided, that when the suit is brought in the name of the State by any of the officers aforesaid, the petition for injunction need not be verified.

Sec. 4. The fact that there is no adequate remedy to suppress gaming houses in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day at 8:35 o'clock a. m. presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,
Austin, Texas, April 13, 1905.
Hon. Geo. D. Neal, President of the Senate.
Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 89, "An Act to amend Article 4316, Chapter 132, of the Acts of the Twenty-eighth Legislature, relating to the bonds of public weighers, their duties and liabilities and compensation, and making their certificates negotiable, and adding Articles 4316a and 4316b, providing for private weighers, prescribing their duties and salaries, and providing a penalty, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

That Article 4316, Chapter 132, of the Acts of the Twenty-eighth Legislature shall hereafter read as follows:

Article 4316. Nothing in this act shall prevent any person, firm or corporation from weighing his own cotton, wool, sugar, hay, grain or pecans in person, providing that in places where there are no public weighers appointed or elected that any person who shall weigh cotton, wool, sugar, grain, hay or pecans for compensation shall be required before weighing such produce to enter into a bond with at least two good and sufficient sureties in the sum of twenty-five hundred dollars (\$2500), approved and payable as in the case of public weighers referred to in this chapter, and conditioned that he will faithfully perform the duties of his office and turn over all property weighed by him on demand of the owner; provided, that this article shall not apply to merchant flouring mills.

Article 4316a. Any weigher who qualifies under Article 4316 of this chapter and shall violate any of the provisions or fail to comply with any of such provisions shall be liable at the suit of any person injured, upon his bond for damages that may have accrued to such person by such violation or failure.

Article 4316b. Any person who shall weigh or offer to weigh any cotton, wool, sugar or hides for compensation for the public without complying with all of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding two hundred dollars.

The fact that there is no adequate law controlling the weighing of cotton, wool, sugar and hides creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days in each house, and said rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted."

And find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 124, being "An Act to provide for the holding of special terms of the District Court in the several counties of the State of Texas."

Be it enacted by the Legislature of the State of Texas:

Section 1. Where it may become advisable, in the opinion of the judge of the district in which any county in the State of Texas may be situated to hold a special term or terms of the District Court therein, such special term or terms may be held.

Sec. 2. The judge of the district in which a county may be situated, in which it is deemed advisable by such judge that a special term of the court should be held, may convene such special term of the court at any time which may be fixed by him. The said judge may appoint jury commissioners, who may select and draw grand and petit jurors in accordance with the law; said jurors may be summoned to appear before said court at such time as may be designated by the judge thereof; provided, that in the discretion of the judge a grand jury need not be drawn or empaneled.

Sec. 3. The grand jury selected as provided for in the preceding section shall be duly impaneled and proceed to the discharge of its duties as at a regular term of the court.

Sec. 4. Any person indicted by the grand jury impaneled at a special term of the court may be placed upon trial at said special term.

Sec. 5. Nothing herein contained shall be held to repeal any part of the provisions of Chapter 4, of Title XXVIII, in the Revised Civil Statutes of Texas, except so far as the same may be inconsistent with the provisions of this act.

And find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 69, being "An Act to amend Article 1148, Title XXIX, Chapter 2, Revised Civil Statutes of the State of Texas, relative to the duties of county clerks."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1148, Title

XXIX, Chapter 2, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 1148. They shall also keep such other dockets, books and indexes as are, or may be required by law, and all books and records and file papers belonging to the office of county clerks in this State shall, at all reasonable times be open to the inspection and examination of any citizen, who shall have the right to make copies of the contents thereof by typewriter or in any manner he may choose.

Sec. 2. The great number of bills now before the Senate for consideration, on account of the great public demand and necessity of the citizens of this State to examine and obtain copies of the records, and the refusal on the part of the county and district clerks to allow such examination and copies to be made, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 183, a bill to be entitled "An Act to more succinctly declare what is sufficient evidence of title to enable owners of land to redeem under sales for taxes."

Be it enacted by the Legislature of the State of Texas:

Section 1. That in all cases where lands in this State have been, or may be sold for taxes, and the owner of the land at the time of such sale shall desire to redeem the same, under the provisions of the Constitution of this State or of laws enacted on that subject, it shall be sufficient to entitle such owner to redeem from the purchaser or purchasers thereof, for him to have had a paper title to such land, or to have been in possession of such land in person, or by tenant, at the time of the institution of the suit under which the sale was made, or when such sale was made, and the existence of such facts and conditions shall be sufficient prima facie evidence of ownership to entitle the party so claiming ownership to the right to redeem such land, and he shall not be required to

deraign title from the sovereignty, nor shall any hiatus or defect in his chain of title defeat the offered redemption. Nothing herein contained shall be held to limit the right of one offering to redeem to prove ownership otherwise than herein provided, nor prevent any one having the superior title from redeeming such land within two years from the date of the tax sale by paying to the person who had previously redeemed such lands all amounts paid by him with legal interest.

Sec. 2. The fact that vast quantities of land and lots and parcels of land in this State have been sold for taxes returned as unrendered, or as against unknown owners, and such owners in ignorance of such sale until after the event, desiring to redeem such land and lots and parcels of land, are resisted by the contention that they must prove written title, as in actions of trespass to try title; and while such contention is unsupported by law it nevertheless breeds vexatious litigation and delay and thereby tends to defeat the humane provisions of the law providing for redemption, and the further fact that in a multitude of instances the end of the period of redemption is near at hand, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and this act take effect from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 142, being "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Jasper and Eastern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own line, with the right to construct and own and operate the line of railroad now projected by and described in the charter of the said Jasper and Eastern Railway Company and to extend the said road, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas, and to authorize the corporation or corporations, person or persons, now

or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until said purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of the said company."

And find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 119, being "An Act to amend Articles 2513, 2515, 2518d and 2518e, of Chapter 4, Title 48, of the Revised Civil Statutes of 1895; Articles 2516 and 2518h, Chapter 175, of the General Laws of 1899, passed by the Twenty-sixth Legislature; Articles 2514, 2518c and 2518k, Chapter 122, of the General Laws of 1903, passed by the Twenty-eighth Legislature, and Article 529g, Chapter 130, of the General Laws of 1901, passed by the Twenty-seventh Legislature, and adding Article 529x and repealing all laws in conflict therewith relating to the Fish and Oyster Commissioner of the State of Texas, his duties, etc., and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 2513, 2515, 2518d and 2518e, of Chapter 4, Title 48, of the Revised Civil Statutes of 1895; Articles 2516 and 2518h, Chapter 175, General Laws of 1899, passed by the Twenty-sixth Legislature; Articles 2514, 2518c and 2518k, Chapter 122, of the General Laws of 1903, passed by the Twenty-eighth Legislature, and Article 529g, Chapter 130, of the General Laws of 1901, passed by the Twenty-seventh Legislature, be so amended as to hereafter read as follows:

Article 2513. All the public rivers, bayous, lakes, bays and inlets of this State, and all that part of the Gulf of Mexico within the jurisdiction of this State, together with their beds and bottoms, and all of the products thereof, shall be, continue and remain the property of the State of Texas, except so far as their use shall be permitted by the laws of this state. So far as this use shall relate to the fish and oyster industry the State Fish and Oyster Commissioner shall have control thereof according to the authority vested in him by the fish and oyster laws of this State. It shall be the

duty of the Fish and Oyster Commissioner to execute these laws, and in their execution he shall have and exercise the powers given to sheriffs by the laws of this State.

Article 2514. For the purpose of protecting the fish and of improving the natural oyster reefs and protecting both the natural reefs and private oyster beds and to carry out the fish and oyster laws of the State of Texas, and as one of the conditions on which the State consents to the taking or removing of fish from her waters, or to the fishing or removal of oysters from her natural reefs, or the use or rental of her water bottoms for oyster propagating purposes, there shall be and is hereby levied a special tax of one-tenth of one cent per pound on all fish, turtle, terrapin and shrimp taken for market from the public coast waters within the jurisdiction of this State, and a tax of two (2) cents per barrel on each and every barrel of oysters gathered from the said waters of this State, whether from the natural reefs or private oyster beds, for sale or shipment; provided, that oysters taken from any waters for bedding purposes shall not be subject to this tax until again taken up for sale or shipment. This special tax shall be paid to the Fish and Oyster Commissioner or his deputy by the person bringing said fish, turtle, terrapin, shrimp or oyster to market, whether he be the person who fished said products or his agent, before he shall be allowed to sell same or consign same to any other party for sale, shipment or storage. When this special tax has been paid it shall be the duty of the Fish and Oyster Commissioner or his deputy receiving the tax to give a receipt for same, together with a permit authorizing the holder thereof to dispose of the products on which the special tax has been paid. A duplicate of which receipt and permit shall be retained in the office of said Commissioner issuing same. This permit shall be given by the person delivering said products to the person, firm or corporation to whom the products mentioned therein shall be sold or delivered for sale, shipment or storage. Any fish, turtle, terrapin or oysters found in the possession of any packer, buyer or commission man for which he can not show the State's permit for the disposition of these products so found shall continue the property of the State, and may be seized by the Fish and Oyster Commissioner or any of his deputies and sold, the proceeds thereof to go to the fish and oyster fund of the State.

It shall be the duty of the Fish and Oyster Commissioner and his deputies

to enforce the payment of the special tax herein provided for and as far as practicable to inspect all the products so taxed, and to verify the weight and measures thereof; and the Fish and Oyster Commissioner is hereby authorized to formulate such rules and regulations as he may deem most expedient to accomplish the duties above set forth; provided, such rules and regulations shall conform to the Constitution and laws of the State of Texas.

Article 2515. The Fish and Oyster Commissioner shall keep a record book which shall be well bound, and it shall be recorded all certificates issued for the location of private oyster beds, showing the date of certificate and application, when and how the applications were executed, and state the manner in which the bottoms were examined. He shall also keep a record of all licenses, special tax, rents for private locations and any and all other collections and disbursements in and from his office. He shall also keep an account with each and every person, firm or corporation holding certificates for the location of private oyster beds in this State, showing the amounts received as rents, etc., as hereafter prescribed. Said records shall be public, and those containing location certificates shall be admitted as evidence as prescribed in Article 2552 of the Revised Civil Statutes.

Article 2516. The Commissioner shall make on the thirty-first day of August of each year, or as soon thereafter as practicable, not later than October first of each year, a report to the Governor showing the condition of the fish and oyster industry. This report shall contain the number and class of all boats engaged in the fish and oyster trade; the number, place and acreage of locations of private oyster beds and the amounts received therefor, the number of licenses, special tax and all other amounts collected from whatever source, and the disbursements thereof as provided for in this act, with such observations and remarks as pertain to the industry; and failing to make such report within the time specified the said Commissioner may, in the discretion of the Governor, be dismissed from his office.

Article 2518c. Out of the funds collected for register certificates, licenses, tax on fish, turtle, terrapin, shrimp and oysters and fees and rents for locating private oyster beds, and any others that may be prescribed, the deputy fish and oyster commissioners along the coast shall be paid by the Fish and Oyster Commissioner the

amounts allowed them, which shall be as follows:

Four special deputies, who shall have jurisdiction over the entire coast, but subject to the orders of the Commissioner, an amount not to exceed six hundred dollars per annum each.

One deputy at Sabine Pass, fifty dollars per month.

Two deputies at Galveston, fifty dollars per month each.

One deputy at Velasco, fifty dollars per month.

One deputy at Matagorda, fifty dollars per month.

One deputy at Palacios City, fifty dollars per month.

One deputy at Port Lavaca, fifty dollars per month.

One deputy at Rockport, fifty dollars per month.

One deputy at Corpus Christi, fifty dollars per month.

One deputy at Point Isabel, fifty dollars per month.

Said deputies to be paid at the end of each month out of the collections above named, and any balance above the amount so paid out for the services of the deputies along the coast shall be paid into the State Treasury to the credit of the fish and oyster fund, but in no instance shall the State be liable for the payment of said deputies.

All certificates issued by the Fish and Oyster Commissioner for the location of private oyster beds under the laws of 1895, passed by the Twenty-fourth Legislature, are hereby validated, and the Fish and Oyster Commissioner is hereby authorized to call in all certificates of location previously issued which are not annulled by the forfeiture under the law of 1895, and to issue new certificates in lieu thereof.

Article 2518d. The Fish and Oyster Commissioner is authorized to appoint one or more deputy commissioners in each coast county in this State. Such deputy or deputies shall have and exercise the same powers and duties in their respective counties as the Fish and Oyster Commissioner; and in addition to these county deputies the Fish and Oyster Commissioner is authorized to appoint as many as four special deputies who shall have jurisdiction over the entire coast for the execution of the fish and oyster laws; and in the execution of these laws these special deputies shall have the same authority as that given to the Fish and Oyster Commissioner; provided, that such deputies shall at all times be subject to the orders of the Fish and Oyster Commissioner. These special deputies shall be appointed and give bond in the same manner as that provided for county deputies.

Article 2518e. All deputies, whether

county or special, shall make an annual report to the Fish and Oyster Commissioner not later than September fifteenth of each year of his official acts for the year ending August thirty-first prior to said report, which report shall set forth in detail such acts as are provided in Article 2516 of this act.

Article 2518h. No person shall hold the office of deputy fish commissioner or deputy fish and oyster commissioner who is not a citizen of the United States and county in which he holds his office, except the special deputies provided for in Article 2518d, who must be citizens of the United States and residents of the State of Texas.

All deputies shall hold their office at the pleasure of the Fish and Oyster Commissioner.

Article 2518k. Any captain, master or manager of any boat wishing to engage in the business of catching or taking any fish, turtle, terrapin, shrimp or oysters from the waters of the State for market shall, before engaging in such business, secure from the Fish and Oyster Commissioner or one of his deputy commissioners a license granting to said person permission to take from the waters of the State the specific products named therein, whether it be fish, turtle, terrapin, shrimp or oysters; provided, that it shall require a separate license for each of the several products named above, and that the licensee in exercising the privileges named in his license shall at all times be governed by the fish and oyster laws of this State. For the purpose of obtaining this license the person desiring same must make written application to the Fish and Oyster Commissioner or one of his deputies, in which application he (the applicant) shall set forth under oath, if required, that he is a citizen of the United States, the name, class and register number of his boat and the names of the men working on such boat. If the application be for a license to use seines or nets the applicant shall state the number, class and length of the seines or nets to be used by him; or if the application be for a license to gather oysters, must state the number of tongs to be used by him; and the applicant shall also agree that because of the privilege which he shall receive from the State of taking either fish, turtle, terrapin, shrimp or oysters from her waters, all such products shall at all times be subject to inspection by the Fish and Oyster Commissioner or any of his deputies, and that said application shall authorize said Commissioner or any of his deputies to enter at any time his boat or any house where he may have such products stored and inspect same; and

he shall further agree to pay to the State the special tax provided for in Article 2514 of this act. This application having been duly executed and handed to the Fish and Oyster Commissioner or his deputy, accompanied by the applicant's registration certificate and the fee for the license applied for, it shall thereupon be the duty of the Fish and Oyster Commissioner or the deputy receiving the same to issue to the applicant a license to engage in the business set forth in his application. Said license must be signed by the Fish and Oyster Commissioner or his deputy, stamped with the seal of his office and state the name of the licensee, name and class of his boat, if any, and the names of the men working on same, and the date of issuance. Such license shall be good for the purpose named therein for twelve months if for fishing for fish, turtle, terrapin or shrimp, and from September first to May first following date of license if for gathering oysters; and for said license the applicant shall pay the sum of one dollar for himself and one dollar each for every person working on the boat he may have in charge. This license shall always be subject to inspection by the Fish and Oyster Commissioner or any of his deputies, and it shall not be good for any other person or persons nor on any other boat than the one originally named therein without the consent of the Fish and Oyster Commissioner or one of his deputies written across the face of said license.

Any person engaged in the business of taking or catching any fish, turtle, terrapin, shrimp or oysters for market who is not while so engaged directly working for a boat previously licensed under the terms of this act shall procure a license in the same manner as the captains, masters or managers of boats so engaged.

Article 529g. It shall be unlawful for any person during the breeding season, consisting of the months intervening between April first and September first, to catch any fish or terrapin by drag seine, set net or any other device except the ordinary hook and line and cast net, or to drag any seine, set any net or any other device except the regular turtle net (the meshes of which shall not be less than twelve inches square) in any of the waters which are hereby declared to be breeding grounds for fish and terrapin, except the following bays and coast waters in this State in which seining, setting nets or any other device for catching fish, turtle or terrapin in any way other than with the ordinary hook and line and cast net is hereby prohibited at any and all times, to wit: All that portion of coast water in Calhoun,

Victoria and Jackson counties north or west of a line starting from the extreme east end of Gallinipper Point in Calhoun County and running in a northerly direction in a direct line to the extreme south point of Point Comfort or Mitchell's Point in Calhoun County, and all that body of water situated on Palacios Point or peninsula in Matagorda County commonly known as Oyster Lake, and all that body of water in Cameron County west of a straight line drawn from the T head or outer end of the Rio Grande Railroad wharf at Point Isabel to the extreme eastern point of the Buena Vista grant called and designated on the Land Office map of Cameron County as "Portrera Largo," and all that body of water in Cameron and Nueces counties known as Baffin's Bay. All that portion of water known as Red Fish Bay in Aransas and Nueces counties being all that body of water lying west of and between Shell Banks, Bird Island, Hog Island, Blackberry Island and Ransom's Island on the east and the mainland on the west; also all the portion of water in San Patricio and Nueces counties lying north of a line drawn from the south end of the San Antonio and Aransas Pass Railway bridge and running in an easterly direction to the extreme southern point of Hatch's Peninsula.

The breeding grounds referred to in this article in which fishing, etc., is permitted during the time specified above are as follows:

1. All the waters of Laguna Madre except Baffin's Bay and from Rio Grande wharf at Portrera Largo, etc., which shall be closed at all times.

2. All that portion of water in Nueces County north of the San Antonio and Aransas Pass Railway bridge and marked on the United States Coast Survey chart as Nueces Bay.

All that portion of water in Aransas and Refugio counties known and marked on the United States Coast Survey as Copano Bay, Puerto Bay and St. Charles Bay.

4. All that portion of water marked on the United States Coast Survey chart as Hyne's Bay.

5. All that portion of water in Calhoun county north of a line starting from the extreme point of Marsh's Point and running due east to the east bank of San Antonio Bay, and marked on the United States Coast Survey chart as Mission Bay and San Antonio Bay. All that portion of water in Espiritu Santo Bay in Calhoun county north of a line drawn from the east end and north bank of channel at Steamboat dugout and running in a northeasterly direction to the east point of Blackberry Island, and all water in

Espiritu Santo Bay north of a line starting from the east point of Blackberry Island, thence in an easterly direction to the north side of the north channel where Big Bayou enters Matagorda Bay.

6. All that portion of water in Calhoun county marked on the United States Coast Survey chart as Keller's Bay and Carancahua Bay.

7. All that portion of water in Matagorda county known on the United States Coast Survey chart as Turtle Bay; also Trespalacios Bay in said county; also all that portion of water in said county north of a line extending from Half Moon lighthouse in a northeasterly direction to Dog Island, and all that water lying north of a line extending from Dog Island to the mouth of Caney Creek.

8. All that portion of water in Brazoria county marked on the United States Coast Survey chart as Bastrop Bay and Oyster Bay.

9. All that portion of water in Galveston and Harris counties north of a line starting from the extreme southern point of Red Bluff on the west bank of Galveston Bay and running in an easterly direction to the first beacon south of Morgan's Point, thence in a northerly direction to the extreme point of Mesquite Point.

10. All that portion of water in Chambers county marked on the United States Coast Survey chart as Turtle Bay.

11. All that portion of water in Galveston and Harris counties known as Clear Creek and Clear Lake, as far up as the Galveston, Houston and Henderson railway bridge.

12. All that portion of water in Chambers county, starting from the mouth of Trinity River with all adjacent channels, bayous and lakes up said river to include Lake Charlotte.

13. All that portion of water lying west of a line drawn from the northwest point of Mustang Island at the old revetment (placed there by the United States government) to the first buoy south of the lighthouse, and continuing in the same direction to the east shore of Harbor Island; said body of water lies between Mustang and Harbor Islands and is commonly known as the Cove.

14. All that body of water on the west shore of St. Joe Island, beginning at a point on St. Joe Island called Caesar's Point, thence in a southerly direction along the middle ground to a stake six hundred feet due west of Allen's wharf, thence east to the west shore of said island, thence northerly with the meanders of said shore to the place of beginning.

Any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall

be fined not less than ten dollars nor more than two hundred and fifty dollars. Each day shall constitute a separate offense, and in all prosecutions under this article the identification of the boat from which the violation occurred shall be prima facie evidence against the owner, or parties last in charge of such seines or nets or on such boat.

Section 2. Be it further enacted, that Article 529x shall be added to Chapter 130 of the General Laws of 1901 as passed by the Twenty-seventh Legislature, which article shall read as follows:

Article 529x. Any person who shall bring to market any fish, turtle, terrapin, shrimp or oyster taken from the coast waters of this State shall pay the tax and obtain the permit as prescribed in Article 2514 before disposing of any part of said product, and if he or any other person shall sell or dispose of any part of said product for shipment or storage before obtaining said permit the person so selling or disposing of said product or any part thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred and fifty dollars.

In prosecutions in this and other similar cases the fact of the fish, turtle, terrapin, shrimp or oyster being of the varieties that are found on the Texas coast shall be prima facie evidence that said fish, turtle, terrapin, shrimp or oysters were taken from the coast waters of this State.

Sec. 3. That all laws and parts of laws in conflict herewith shall be and the same are hereby repealed.

Sec. 4. Whereas, the fact that the laws of this State are now inadequate for the protection of the subjects of the foregoing act creates an emergency and an imperative public necessity that this act be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended and this act shall take effect from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day at 11:10 o'clock a. m. presented the same to the Governor for his approval.

TERRELL,
Chairman.

Committee Room,

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 184, being "An Act to remit penalties on certain pat-

ents and to authorize the Commissioner of the General Land Office to deliver to the owner of the land the patent therefor upon payment of patent fee."

Be it enacted by the Legislature of the State of Texas:

Section 1. All penalties which may have accrued on patents remaining in the General Land Office on August 31, 1904, are hereby remitted, and the Commissioner of the General Land Office may deliver said patents to the owner of the land when satisfied of such ownership; provided, that if the records of the Land Office do not show the payment of the patent fee, the person demanding the patent shall pay the present statutory fee for the patent before he shall be entitled to receive it.

Sec. 2. The importance of the legislation herein proposed to the many land owners, and the fact that the calendar is now crowded with many measures, rendering it improbable that this bill can be read on three separate days, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and that this be put upon its third reading and final passage, and take effect from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day at 11:10 o'clock a. m. presented the same to the Governor for his approval.

TERRELL,
Chairman.

Committee Room,

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills, have carefully examined and compared Senate Bill No. 296, being "An Act to make appropriation of \$3700 for necessary improvements at the Confederate Home and declaring an emergency."

And find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

TERRELL,
Chairman.

Committee Room,

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills, have carefully examined and compared Senate Bill No. 305, being "An Act to require the Governor of Texas to appoint an Inspector of Hides and Animals for the County of Deaf Smith and place said county under the

provisions of Articles 5002 to 5042, inclusive, Revised Statutes of 1895, and to declare an emergency.

And find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

TERRELL,
Chairman.

Committee Room,

Austin, Texas, April 13, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 272, being "An Act to amend Chapter 143, of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, which was an act to provide for the disorganization of the county of Loving in the State of Texas, and to attach said county to the county of Reeves for judicial and other purposes, and provide for the assessments and collection of taxes in said county and for the payment of the outstanding indebtedness of said county,"

And find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

TERRELL,
Chairman.

Committee Room,

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 277, being "An Act to amend section 17 of an act incorporating the trustees of the independent school district of the city of San Antonio, Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws,

And find the same correctly enrolled, and have this day at 11:10 o'clock a. m. presented the same to the Governor for his approval.

TERRELL,
Chairman.

Committee Room,

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 314, being "An Act to incorporate Itasca school district in Hill County as an independent school and to provide for the election of school trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein,

And find the same correctly enrolled,

and have this day at 11:10 o'clock a. m. presented the same to the Governor for his approval.

TERRELL,
Chairman.

Committee Room,

Austin, Texas, April 14, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Substitute Senate Bill No. 84, being "An Act to regulate the practice of dentistry in the State of Texas, to provide for the appointment of a Board of Dental Examiners, prescribing their duties and to repeal all laws and parts of laws in conflict with this act."

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to practice or attempt to practice dentistry or dental surgery in the State of Texas without first having obtained a certificate from the State Board of Dental Examiners; provided, that physicians and surgeons may, in the regular practice of their profession, extract teeth or make application for the relief of pain; and provided further, that nothing in this act shall apply to any person legally engaged in the practice of dentistry or dental surgery in this State at the time of the passage of this act.

Sec. 2. It shall be unlawful for any person or persons to extract teeth or perform any other operation pertaining to dentistry for pay or for the purpose of advertising, exhibiting or selling any medicine or instrument or business of any kind or description whatever, unless such person or persons shall first have complied with the provisions of this title.

Sec. 3. A board of examiners consisting of six practicing dentists of acknowledged ability as such, is hereby created, who shall have authority to issue certificates to persons in the practice of dentistry or dental surgery in the State of Texas who are legally practicing the same at the time of the passage of this act, and issue certificates to all applicants who may hereafter apply to said board and pass a satisfactory examination.

Sec. 4. The members of said board shall be appointed by the Governor and shall serve for two years, excepting that the members of the board first appointed shall be made as follows: three for one year and three for two years, respectively, and until their successors are duly appointed. In case of vacancy occurring in said board by resignation, removal from the State, or by death, such vacancy may be filled for its unexpired term by the Governor.

Sec. 5. Before entering upon the duties of his office each and every member of this board shall make oath before any officer authorized to administer an obligation, who shall be empowered to use a seal of office, that he will faithfully discharge the duties incumbent upon him to the best of his ability. The same shall be filed for record with the county clerk of the county in which affiant resides. The county clerk shall receive for recording the same fifty cents.

Sec. 6. Said board shall keep a record, in which shall be registered the names and residences or places of business of all persons authorized under this title to practice dentistry or dental surgery in this State. It shall elect one of its members president and one secretary thereof, and it shall meet at least once in each year, and as much oftener, and at such times and places as it may deem necessary. A majority of the members of said board shall constitute a quorum, and the proceedings thereof shall be open to the public.

Sec. 7. Any person desiring to commence the practice of dentistry or dental surgery within this State after the passage of this act, shall before commencing such practice make application to said board, and upon undergoing a satisfactory examination before said board, shall be entitled to a certificate from said board granting such person the right to practice dentistry or dental surgery within this State.

Sec. 8. Any member of said board may, when the board is not in session, grant a license to practice dentistry to any person whom such member finds on examination to be qualified, on the payment of the sum of two dollars by such person. A license so granted shall be valid until the next meeting of the board, but no longer. Each member shall make a report of license so granted by him, at the meeting of the board following the granting of the license. A member shall not grant a license under the provisions of this article to one who has been rejected by the board as disqualified.

Sec. 9. Every person to whom license is issued by said board of examiners shall, within thirty days from the date thereof, present the same to the clerk of the county in which he or she resides or expects to practice, who shall officially record said license in his office book provided for that purpose, and shall be entitled to a fee of fifty cents for his services.

Sec. 10. Said board shall have power, when it shall be made to appear by satisfactory evidence from credible witnesses that any person who has been granted a certificate to prac-

tice dentistry or dental surgery, has been convicted of a felony, or who has been guilty of any fraudulent or dishonorable conduct, or any malpractice, or such conduct involving fraudulent or dishonorable conduct or malpractice, to revoke his or her license to practice dentistry or dental surgery in this State; provided, that the license of no person shall be so revoked by said board without first notifying such person of the charges preferred against him or her and citing him or her to appear before said board upon some day certain at a regular meeting of said board; and, provided further, that no charge shall be considered against any person unless the same shall have first been made in writing and subscribed and sworn to by some credible person and filed with the secretary of said board, who shall furnish a copy of the same to the party so accused at least ten days before the meeting of the board at which same is to be considered.

Sec. 11. To provide for the proper and effective enforcement of this act, said board of examiners shall be entitled to a fee of twenty-five dollars from each applicant examined, which said sum shall accompany the application, and which sum shall in no event be refunded to the person examined.

Sec. 12. The members of said examining board shall receive the compensation of five dollars per day for each day actually engaged in the duties of their office, which, together with all other legitimate expenses incurred in the performance of such duties shall be paid from the fees received by the board under the provisions of this title; and no part of the expenses of said board shall at any time be paid out of the State treasury. All moneys in excess of per diem allowance and other expenses shall be held by the secretary of the board as a special fund for meeting the expenses of said board, he giving such bond as the board may from time to time direct, and said board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by them in the pursuance of this title.

Sec. 13. Any person who shall violate this act by practicing or attempting to practice dentistry or dental surgery within this State without first complying with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five nor more than three hundred dollars for each and every offense, each day in the practice constituting

an offense. All fines collected from prosecutions under this law shall be appropriated to the common school funds in the county where collected.

Sec. 14. Any person or persons who shall violate this act by extracting teeth, or performing any other operation pertaining to dentistry for the purpose of advertising, exhibiting, or selling any medicine, instrument or business of any kind or description, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than twenty-five nor more than three hundred dollars for each and every offense.

Sec. 15. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

And find the same correctly enrolled, and have this day, at 8:35 o'clock a. m., presented the same to the Governor for his approval.

TERRELL,
Chairman.

REPORTS OF COMMITTEE ON INSURANCE, STATISTICS AND HISTORY.

Committee Room,
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred House bill No. 485, to provide for the incorporations of Printers' Mutual Fire and Storm Insurance Association, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

STAFFORD,
Chairman.

Committee Room,
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred Senate bill No. 221, "A bill to be entitled an Act to provide for the incorporation of Printers' Mutual Fire Insurance Association, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STAFFORD,
Chairman.

ENGROSSING DEPARTMENT.

Committee Room,
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.
Sir: Your Committee on Engrossed

Bills have carefully examined and compared Senate bill No. 187, being "An Act to provide for working short-term convicts on public roads, and other public works of the counties of the State, and find the same correctly engrossed.

BARRETT,
Chairman.

REPORT OF JUDICIARY COMMITTEE NO. 2.

Committee Room,
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Judiciary No. 2, to whom was referred House bill No. 248, "A bill to be entitled an Act to amend Article of the Penal Code of the State of Texas relating to willfully prisoners to escape, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

DAVIDSON,
Chairman.

ENROLLING DEPARTMENT.

Committee Room,
Austin, Texas, April 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred House Bill No. 430, a bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, and amended at the regular session of the Twenty-sixth Legislature, and at the regular session of the Twenty-seventh Legislature, and at the first called session of the Twenty-seventh Legislature, and at the regular session of the Twenty-eighth Legislature, and at the regular session of the Twenty-ninth Legislature, entitled "An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot lines and to prohibit the sale or shipping of game fish in this State, and to provide for the violation thereof, by fixing a penalty for the use of poison, dynamite or other explosive in killing and taking fish."

Have had the same under consideration, and I am directed to report it back to the Senate with the recommendation that it do pass and be not printed.

HICKS,
Chairman.